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Monday
February 2, 1987

Briefings on How To Use the Federal Register—
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THE FEDERAL REGISTER
WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 2 1/2 hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the Federal Register and Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

PORTLAND, OR

WHEN: February 17; at 9 am.
WHERE: Bonneville Power Administration Auditorium, 1002 N.E. Holladay Street, Portland, OR.
RESERVATIONS: Call the Portland Federal Information Center on the following local numbers:

Portland **503–221–2222**
Seattle **206–442–0570**
Tacoma **206–383–5230**

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WHEN: February 18; at 1:30 pm.
WHERE: Room 8544, Federal Building, 300 N. Los Angeles Street, Los Angeles, CA.
RESERVATIONS: Call the Los Angeles Federal Information Center, 213–894–3800

SAN DIEGO, CA

WHEN: February 20; at 9 am.
WHERE: Room 2S31, Federal Building, 880 Front Street, San Diego, CA.
RESERVATIONS: Call the San Diego Federal Information Center, 619–293–6030

HOUSTON, TX

WHEN: March 10; at 9 am.
WHERE: Room 4415, Federal Building, 515 Rusk Avenue, Houston, TX.
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Houston **713–229–2552**
Austin **512–472–5495**
San Antonio **512–224–4471**
New Orleans **504–589–6696**

Contents

Federal Register

Vol. 52, No. 21

Monday, February 2, 1987

Agricultural Marketing Service
RULES
Honey research, promotion, and consumer information order, 3101
PROPOSED RULES
Eggs and spent fowl marketing orders, 3119

Agriculture Department
See Agricultural Marketing Service; Forest Service

Alcohol, Drug Abuse, and Mental Health Administration
NOTICES
Meetings; advisory committees:
February, 3169

Alcohol, Tobacco and Firearms Bureau
PROPOSED RULES
Cigars, cigarettes, etc.:
Miscellaneous amendments
Correction, 3145

Army Department
NOTICES
Agency information collection activities under OMB review, 3161
Meetings:
Science Board, 3162

Arts and Humanities, National Foundation
See National Foundation on the Arts and Humanities

Centers for Disease Control
NOTICES
Grants and cooperative agreements; availability, etc.:
Occupational safety and health—
Education programs, 3172
Long-term training project, 3172

Commerce Department
See also International Trade Administration; National Oceanic and Atmospheric Administration
NOTICES
Agency information collection activities under OMB review, 3151

Committee for the Implementation of Textile Agreements
NOTICES
Cotton, wool, and man-made textiles:
China, 3160

Consumer Product Safety Commission
NOTICES
Meetings; Sunshine Act, 3202

Copyright Office, Library of Congress
PROPOSED RULES
Claims registration:
Digitized typefaces; copyrightability, 3146

Defense Department
See also Army Department
NOTICES
Agency information collection activities under OMB review, 3160
Meetings:
Ada Board, 3161
(3 documents)
Integrated Long-Term Strategy Advisory Committee, 3161

Energy Department
See Federal Energy Regulatory Commission

Environmental Protection Agency
RULES
Air quality implementation plans; approval and promulgation; various States:
Kentucky, 3115
Maine, 3116
New Hampshire, 3117
NOTICES
Committees; establishment, renewals, terminations, etc.:
Asbestos Hazard Emergency Response Act Negotiated Rulemaking Advisory Committee; establishment and meeting, 3167

Equal Employment Opportunity Commission
NOTICES
Meetings; Sunshine Act, 3202

Export-Import Bank
NOTICES
Agency information collection activities under OMB review, 3168
Loan portfolio; prospective financial advisors assistance, etc., 3168

Family Support Administration
PROPOSED RULES
Public assistance programs:
Aid to families with dependent children; quality control requirements, 3146

Federal Aviation Administration
RULES
Airworthiness directives:
Boeing, 3106
Gates Learjet, 3109
Mitsubishi Heavy Industries, Ltd., et al., 3111
PROPOSED RULES
Airworthiness directives:
McDonnell Douglas, 3126
NOTICES
Advisory circulars; availability, etc.:
Transport airplane seats; dynamic evaluation, 3191
Airport noise compatibility program:
Lebanon Municipal Airport, NH, 3192
William B. Hartsfield Atlanta International Airport, GA, 3193
Grants; availability, etc.:
Airway science, 3195
Meetings:
Aeronautics Radio Technical Commission, 3198
Civil powered-lift transport category aircraft; certification issues conference, 3192

Technical standard orders:
Airspeed instruments, 3198
Direction instruments—
Magnetic (gyroscopically stabilized), 3199
Magnetic, non-stabilized type (magnetic compass), 3200
Non-magnetic (gyroscopically stabilized), 3200
Turn and slip instrument, 3199

Federal Energy Regulatory Commission
RULES
Natural Gas Policy Act:
Ceiling prices—
Maximum lawful prices and inflation adjustment factors, 3112
Incremental pricing—
Acquisition cost thresholds, 3114
PROPOSED RULES
Annual charges; gas and oil pipelines and electric utilities, 3128
NOTICES
Natural gas certificate filings:
El Paso Natural Gas Co. et al., 3162
Small power production and cogeneration facilities; qualifying status:
CRSS Hopewell Cogenerators, 3164
E.I. du Pont de Nemours & Co., 3164
Howell Energy Associates, 3165
Texaco Producing Inc., 3165
Applications, hearings, determinations, etc.:
Iowa Public Service Co., 3165
Panhandle Eastern Pipe Line Co., 3165
Tennessee Gas Pipeline Co. et al., 3166
(2 documents)
United Gas Pipe Line Co., 3167

Federal Home Loan Bank Board
RULES
Federal Savings and Loan Insurance Corporation:
Bank Secrecy Act; compliance monitoring procedures Reporting and recordkeeping requirements, 3207
PROPOSED RULES
Federal Savings and Loan Insurance Corporation:
Settlement of insurance, 3126

Federal Maritime Commission
NOTICES
Agreements filed, etc., 3168, 3169
(2 documents)

Federal Mine Safety and Health Review Commission
NOTICES
Meetings; Sunshine Act, 3203
(2 documents)

Financial Management Service
See Fiscal Service

Fiscal Service
RULES
Treasury certificates of indebtedness; State and local government series, etc.; estimated marginal tax rate, etc., 3115

Forest Service
NOTICES
Environmental statements; availability, etc.:
Bridger-Teton National Forest, WY, 3151
Dixie National Forest, UT, 3151

Health and Human Services Department
See Alcohol, Drug Abuse, and Mental Health Administration; Centers for Disease Control; Family Support Administration

Interior Department
See Land Management Bureau; Minerals Management Service; Mines Bureau; National Park Service; Surface Mining Reclamation and Enforcement Office

International Trade Administration
NOTICES
Antidumping:
Fresh cut flowers from—
Mexico, 3151, 3152
(2 documents)
Mirrors in stock sheet and lehr end sizes from—
Belgium, 3156
Standard carnations from Chile, 3152
Antidumping and countervailing duties:
Paint filters and strainers from Brazil, 3158
Applications, hearings, determinations, etc.:
University of California et al.; correction, 3159
Yale University, 3159

Justice Department
See Juvenile Justice and Delinquency Prevention Office

Juvenile Justice and Delinquency Prevention Office
NOTICES
Meetings:
Coordinating Council, 3178

Land Management Bureau
NOTICES
Meetings:
Burns District Advisory Council, 3174
Helicopters use in gathering wild horses, 3174
Opening of public lands:
Oregon, 3176
Realty actions; sales, leases, etc.:
Arizona, 3174
California, 3175
Oregon, 3175
Wyoming, 3175
Withdrawal and reservation of lands:
Nevada, 3176
Oregon, 3176

Library of Congress
See Copyright Office, Library of Congress

Mine Safety and Health Federal Review Commission
See Federal Mine Safety and Health Review Commission

Minerals Management Service
NOTICES
Meetings:
Royalty Management Advisory Committee, 3178

Mines Bureau
NOTICES
Hard rock drill core holdings; divestment, 3177

National Foundation on the Arts and Humanities
NOTICES
Agency information collection activities under OMB review, 3178

Meetings:
Literature Advisory Panel, 3179
Museum Advisory Panel, 3179
Music Advisory Panel, 3179

National Institute for Occupational Safety and Health
See Centers for Disease Control

National Oceanic and Atmospheric Administration
NOTICES
Meetings:
New England Fishery Management Council, 3159

National Park Service
NOTICES
Concession contract negotiations:
Buzzard Point Boatyard Corp., 3178

Nuclear Regulatory Commission
PROPOSED RULES
Rulemaking petitions:
Public Citizen; denied, 3121
NOTICES
Financial protection requirements and indemnity agreements:
Spent reactor fuel stored at reactor site different than where it was generated, 3180
Meetings:
Reactor Safeguards Advisory Committee, 3181
(2 documents)
Applications, hearings, determinations, etc.:
Toledo Edison Co. et al., 3182

Physician Payment Review Commission
NOTICES
Meetings, 3183

Public Health Service
See Alcohol, Drug Abuse, and Mental Health Administration; Centers for Disease Control

Railroad Retirement Board
NOTICES
Meetings:
Actuarial Advisory Committee, 3183

Securities and Exchange Commission
NOTICES
Meetings; Sunshine Act, 3202
Self-regulatory organizations; proposed rule changes:
National Association of Securities Dealers, Inc., 3186
Options Clearing Corp., 3184, 3187
(2 documents)
Applications, hearings, determinations, etc.:
American Southwest Financial Corp., 3189
Lincoln National Pension Insurance Co. et al., 3190

Surface Mining Reclamation and Enforcement Office
PROPOSED RULES
Permanent program submission:
Ohio, 3145

Textile Agreements Implementation Committee
See Committee for the Implementation of Textile Agreements

Transportation Department
See Federal Aviation Administration

Treasury Department
See Alcohol, Tobacco and Firearms Bureau; Fiscal Service

Separate Parts in This Issue

Part II
Federal Home Loan Bank Board, 3207

Reader Aids
Additional information, including a list of public laws, telephone numbers, and finding aids, appears in the Reader Aids section at the end of this issue.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

7 CFR
1240 3101
Proposed Rules:
900 3119

10 CFR
Proposed Rules:
50 3121

12 CFR
563 3207
Proposed Rules:
564 3126

14 CFR
39 (3 documents) 3106–3111
Proposed Rules:
39 3126

18 CFR
271 3112
282 3114
Proposed Rules:
375 3128
382 3128

27 CFR
Proposed Rules:
270 3145
275 3145

30 CFR
Proposed Rules:
935 3145

31 CFR
344 3115

37 CFR
Proposed Rules:
202 3146

40 CFR
52 (3 documents) 3115–3117

45 CFR
Proposed Rules:
205 3146

Rules and Regulations

Federal Register
Vol. 52, No. 21
Monday, February 2, 1987

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1240

Collection of Assessments and Refunds Under the Honey Research, Promotion, and Consumer Information Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule implements procedures governing the collection of assessments and refunds under the Honey Research, Promotion, and Consumer Information Order (Order). The Order is effective under the Honey Research, Promotion, and Consumer Information Act (Act) and provides for an initial assessment of one-cent per pound for honey produced in the United States or honey or honey products imported into the United States. Persons who produce, produce and handle, or import less than 6,000 pounds of honey annually may obtain an exemption from assessment.

EFFECTIVE DATE: February 2, 1987.

FOR FURTHER INFORMATION CONTACT: Ronald L. Cioffi, Chief, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, Washington, DC 20250 (202) 447–5697.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512–1 and has been determined to be a "non-major" rule under criteria contained therein.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. The Honey Research, Promotion, and Consumer Information Order, and rules issued thereunder, are unique in that they are brought about through the group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

The Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4601 *et seq.*) and the Honey Research, Promotion, and Consumer Information Order (7 CFR Part 1240; 51 FR 26147) provide that all handlers and producer-packers who handle honey and all importers who import honey or honey products are subject to regulation under the promotion order for honey produced in, or honey and honey products imported into the United States, including the Commonwealth of Puerto Rico. The Act and Order require that honey producers, producer-packers, and importers pay assessments for operating the program, and require that honey handlers act as collection agents for honey producers covered under the Order.

The honey industry is made up of many small entities, and several larger entities, which are engaged in the production, importation, and marketing of honey. There are generally three categories of honey producers in the United States: the hobbyist; the part-time beekeeper; and commercial beekeepers. There are about 190,000 hobbyist beekeepers; about 10,000 part-time beekeepers; and about 1,600 commerical beekeepers. Because the Act and the Order exempt persons who annually produce or import less than 6,000 pounds of honey, hobbyist beekeepers and a significant number of part-time beekeepers are not required to pay assessments.

Pursuant to requirements set forth in the RFA, the Administrator of the Agricultural Marketing Service has considered the impact of these regulations on small entities. This action establishes the provisions by which assessments are to be collected from, and refunds returned to, producers and importers, and the procedures required for producers, producer-packers, and importers to obtain an exemption from assessments. This final rule implements procedures governing the collection of assessments and refunds under the Order. Determinations concerning the RFA and the Order appear at 51 FR 3605 and 51 FR 26147. The provisions contained in this final rule were recommended by the National Honey Board (Board), the administrative agency established under the Order.

These regulations are applicable to all honey handled in the United States, and all honey and honey products imported into the United States. The National Honey Board, which is composed of producers, a member of a producer marketing cooperative, handlers, importers, and a public member, has determined that the methods contained in this rule are the most effective and least burdensome way to carry out the program's intent. The Board reviewed provisions currently in effect under similar research and promotion programs for other agricultural commodities as well as voluntary research and promotion programs currently and previously in effect within the honey industry. The impact on the various industry segments resulting from the establishment of these rules and regulations was also considered. Finally, the Board considered current business practices used by the industry when recommending the reporting and recordkeeping requirements that would be imposed upon producers, producer-packers, handlers, and importers covered under these regulations. Furthermore, persons who are required to pay assessments may request a refund of any assessment paid.

Honey production in the United States approximates 200 million pounds annually, although there is some year-to-year fluctuations due to weather conditions. The 1981 value of U.S. production of honey was about $90.1 million. This was based on 4.2 million colonies of bees with an average honey yield per colony of 44 pounds.

It is the Department's view that the impact of this action on producers, producer-packers, handlers, and importers is not adverse. The anticipated costs to producers, producer-packers, handlers, and importers in implementing these regulations will be significantly offset when compard to the potential benefits of these regulations.

The Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35) seeks to minimize the paperwork burden imposed by the Federal Government while maximizing the utility of the information requested. In accordance with the procedures contained in Title 5 of the Code of Federal Regulations, Part 1320, the information collection and recordkeeping requirements contained in this subpart have been approved by the Office of Management and Budget (OMB) and have been assigned OMB Control Number 0581–0153.

The proposed rule was published in the January 9, 1987, **Federal Register** (52 FR 797) affording interested persons until January 26, 1987, to file comments. None were received. However, technical changes were made in this final rule to conform to U.S. Customs Service terminology to more precisely define the term imported, and to reference producer-packers in the refund provisions to the extent that such producer-packers are eligible for refunds. Several provisions have been moved to new sections to clarify certain sections relating primarily to assessments and recordkeeping requirements. The affected sections appeared in proposed §§ 1240.115, 1240.116, and 1240.117. Because proposed § 1240.116 was moved to § 1240.119, other sections have been renumbered as appropriate. Also, proposed § 1240.111 paragraphs (a) (1) and (2) were moved to § 1240.115 to simplify the definition of first handler and producer-packer and to clarify how assessments are levied. Additional miscellaneous non-substantive changes are also made for clarity including deleting language in § 1240.116(d) regarding payments through cooperating agencies.

Section 7(c)(6)(B) of the Act and § 1240.37(b) of the Order authorize the Board to recommend to the Secretary such rules and regulations as are necessary to effectuate the terms and conditions of the Order. Sections 1240.100 through 1240.125 establish the general rules and regulations which govern the collection of assessments, the procedure for applying for refunds, the application of late payment and interest charges on past due assessments, the filing of reports and maintenance of records, and the procedure for applying for an exemption from assessment. Sections 1240.100 and 1240.105 define certain words in addition to those contained in the Order, which are used throughout the subpart. These terms are defined to clearly delineate their meaning and to simplify the subsequent provisions in which they are used.

This final rule also directs communications in connection with the Order and all rules, regulations, and supplemental Orders issued thereunder to the Honey Board. The Board is charged with various duties regarding administration of the Order and therefore, questions in connection with the various aspects of the program could best be answered by the Board itself.

The purpose of this program is to fund projects relating to research, consumer information, advertising, sales promotion, producer information, and market development to assist, improve, or promote the marketing, distribution, and utilization of honey and honey products. Funds collected under this program will be used for this purpose in accordance with the Act and Order. A provision is included to insure that the Board's contracts comply, and are not inconsistent with, the provisions of this part. This provision also provides adequate safeguards to insure that Board funds are used properly.

This final rule also provides that the Board's by-laws be used as the basis to govern the conduct and organization of Board meetings. The Act and Order provide that all U.S. Department of Agriculture (USDA) costs associated with the conduct of its duties under the Order be reimbursed. These costs will be billed quarterly by USDA to the Board.

Because honey is marketed in many different ways, examples of who first handles honey or who is a producer-packer are included in this subpart to more clearly delineate who is required to collect assessments from producers or who is responsible to pay assessments, and when they should be collected and forwarded to the Board. The Act and the Order provide that producers, producer-packers, and importers who produce, produce and handle, or import less than 6,000 pounds of honey per year shall be exempt from assessment. Therefore, procedures for exempting producers, producer-packers, and importers have been recommended by the Board and are included in this subpart.

To properly administer this provision, the Board has recommended that exemption certificates be issued to qualified producers, producer-packers, and importers. Producers, producer-packers, and importers who wish to obtain an exemption are required to submit an application to the Board along with any appropriate evidence supporting their claim.

The Board will then investigate each such claim and, if appropriate, issue an exemption certificate together with an exemption number to the producer, producer-packer, or importer who meets the 6,000 pound exemption requirements. First handlers are required to collect assessments from each honey producer unless an exemption certificate is presented by that producer.

This subpart also prescribes procedures, pursuant to § 1240.24(d) of this part, to exempt producers paying assessments under their State plan from a portion of assessments due under these provisions. The first handler would then be required to forward to the Board the balance due pursuant to this part in excess of the State assessment.

The Order further provides the Board with discretionary authority to recommend that honey which is exported be exempted from assessment. The Board has not recommended such exemption at this time and therefore no such provisions appear in this rule.

The levying of assessments is clarified in this subpart to summarize who may be exempt from assessment and how assessments are levied on imported honey and honey products and on honey pledged as collateral for a loan under the Commodity Credit Corporation Honey Price Support Program.

A late payment charge is establishd pursuant to § 1240.41(i) of the Order in the amount of ten percent of the outstanding balance due the Board. The amount of the late payment charge recommended by the Board was determined to be in keeping with good business practices in that it would discourage handlers from using monies collected from producers for their own purposes. Ten percent was considered not excessive but substantive enough that it should serve as an effective deterrent against the improper use of such funds. The late payment charge will be applied to all assessments not paid within 15 days after the date such assessments become due.

In addition to the late payment charge, one and one-half percent per month interest on the outstanding balance, including any accrued interest, will be added to any accounts delinquent over 30 days and will continue monthly until the outstanding balance is paid to the Board. This provision is authorized by § 1240.41(j) of the Order and is intended to insure that assessments are remitted to the Board in a timely manner.

Section 1240.118 sets forth the procedures to be used by producers and importers to apply for a refund of assessments. Producers and importers desiring a refund of assessments are required to submit an application form within 90 days from the date the

assessment became payable pursuant to § 1240.114. In order to safeguard the refunding process, producers and importers are required to submit evidence satisfactory to the Board that the assessments have been paid. Refunds will be given by the Board in June and December of each year. In order for the Board to refund assessments on this schedule, the regulations set May 31 and November 30 as the last day to apply for a refund and receive payment on the June and December dates, respectively.

The Board has recommended that a monthly reporting period be established for handlers paying assessments to the Board. However, should different handler, importer, or producer-packer payment schedules be necessary in order to recognize differences in purchasing practices and procedures, the Board will have the authority to approve such alternate payment schedules. The provisions in § 1240.117 clarify how assessments are to be remitted to the Board. This section also provides for assessments to be collected through a cooperating agency, such as another government agency or grower cooperative. The provision also establishes procedures for prepayment of assessments for those handlers or producer-packers who wish to do so.

The provisions in §§ 1240.119 through 1240.125 which involve safeguards; retention period of records; availability of records; confidential books, records, and reports; right of the Secretary; personal liability; and OMB control number, are generally included in research and promotion programs. All the provisions are incidental to, and not inconsistent with, the terms and conditions of the Act and Order.

It is hereby found and determined that the general rules and regulations, as hereinafter set forth will tend to effectuate the declared policy of the Act. It is further found that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** (5 U.S.C. 553). The final rule should be issued as soon as possible so the Board can begin collecting assessments and adminstering the program. This would help the industry reduce its large inventories of honey through the program's promotion efforts. Affected persons in the honey industry are aware of and have prepared for this program and planned their operations accordingly. Many importers have considered the assessment in negotiating contracts with foreign suppliers. The initial rate of assessment is set by statute and is provided for in the Order. The Order was promulgated pursuant to formal rulemaking in which producers, handlers, producer-packers, and importers participated. February is one of the heavier honey handling and importing months of the year and this final rule should be made effective to assess this honey so as to provide a sound financial basis for the Board to operate in this fiscal year. Any producer, producer-packer, or importer can request and receive a refund of assessments paid into the program.

List of Subjects in 7 CFR Part 1240

Honey, Agricultural research, Reporting and recordkeeping requirements, Market development, Consumer information.

1. The authority citation for 7 CFR Part 1240 is revised to read as follows:

Authority: Honey Research, Promotion, and Consumer Information Act, Secs. 1–13, 98 Stat. 3115; 7 U.S.C. 4601–4612.

The Subpart—General Rules and Regulations is added to Part 1240 to read as follows:

PART 1240—HONEY RESEARCH, PROMOTION, AND CONSUMER INFORMATION ORDER

Subpart—General Rules and Regulations

Sec.

1240.100 Terms defined.
1240.105 Definitions.
1240.106 Communications.
1240.107 Policy and objective.
1240.108 Contracts.
1240.109 Procedure.
1240.110 U.S. Department of Agriculture costs.
1240.111 First handler and producer-packer.
1240.113 Importer.
1240.114 Exemption procedures.
1240.115 Levy of assessments.
1240.116 Payment of assessments.
1240.117 Refunds.
1240.118 Reports of disposition of exempted honey.
1240.119 Reporting period and reports.
1240.120 Retention period for records.
1240.121 Availability of records.
1240.122 Confidential books, records, and reports.
1240.123 Right of the Secretary.
1240.124 Personal liability.
1240.125 OMB control number.

Subpart—General Rules and Regulations

§ 1240.100 Terms defined.

Unless otherwise defined in this subpart, definitions of terms used in this subpart shall have the same meaning as the definitions of such terms which appear in Subpart—Honey Research, Promotion, and Consumer Information Order. Additional terms are defined in § 1240.105.

§ 1240.105 Definitions.

(a) "Principal ingredient" means fifty-one percent or more by weight of the total ingredients contained in honey products.

(b) "First handler" means the person who first handles honey.

(c) "Order" means the Honey Research, Promotion, and Consumer Information Order which appears in this part.

(d) "United States" means the fifty States, the District of Columbia, and the Commonwealth of Puerto Rico.

§ 1240.106 Communications.

Communications in connection with the Order and all rules, regulations, and supplemental Orders issued thereunder shall be addressed to the National Honey Board, 9595 Nelson Road, Box C, Longmont, Colorado 80501.

§ 1240.107 Policy and objective.

(a) It shall be the policy of the Board to carry out an effective and continous coordinated program of marketing research, development, advertising, and promotion in order to help maintain and expand existing domestic and foreign markets for honey and to develop new or improved markets.

(b) It shall be the objective of the Board to carry out programs and projects which will provide maximum benefit to the honey industry and no undue preference shall be given to any of the various industry segments.

§ 1240.108 Contracts.

The Board, with the approval of the Secretary, may enter into contracts or make agreements with persons for the development and submission to it of plans or projects authorized by the Order and for carrying out of such plans or projects. Contractors shall agree to comply with the provisions of this part. Subcontractors who enter into contracts or agreements with a primary contractor and who receive or otherwise utilize funds allocated by the Board shall be subject to the provisions of this part. All records of contractors and subcontractors applicable to contracts entered into by the Board are subject to audit by the Secretary.

§ 1240.109 Procedure.

The Organization of the Board and the procedure for conducting meetings of the Board shall be in accordance with the By-Laws of the Board.

§ 1240.110 U.S. Department of Agriculture costs.

The Board shall reimburse the U.S. Department of Agriculture (USDA) from assessments for administrative costs

incurred by USDA with respect to the Order after its promulgation and for any administrative expenses incurred by USDA for the conduct of referenda. The Board shall pay those administrative costs incurred by USDA for the conduct of its duties under the Order as determined periodically by the Secretary. USDA will bill the Board quarterly and payment shall be due promptly after the billing of such costs.

§ 1240.111 First handler and producer-packer.

Persons who are first handlers or producer-packers include but are not limited to the following:

(a) When a producer delivers honey from his or her own production to a packer or processor for processing in preparation for marketing and consumption, the packer or processor is the first handler, regardless of whether he or she handles the honey for his or her own account or for the account of the producer or the account of other persons.

(b) When a producer delivers honey to a handler who takes title to such honey, and places it in storage, such handler is the first handler.

(c) When a producer delivers honey to a commercial storage facility for the purpose of holding such honey under his or her own account for later sale, the first handler of such honey would be identified on the basis of later handling of such honey.

(d) When a producer packages and sells honey of his or her own production at a roadside stand or other facility to consumers or sells to wholesale or retail outlets or other buyers, the producer is a producer-packer.

(e) When a producer sells unprocessed or processed honey from his or her own production directly to a commercial user or food processor who utilizes such honey as an ingredient in the manufacture of formulated products, the producer is a producer-packer.

(f) When a producer uses honey from his or her own production in the manufacture of formulated products for his or her own account and for the account of others, the producer is the producer-packer.

(g) When a producer delivers a lot of honey to a processor who processes and packages a portion of such lot of honey for his or her own account and sells the balance of the lot, with or without further processing, to another processor or commercial user, the first processor is the first handler for all the honey.

(h) When a producer supplies honey to a cooperative marketing organization which sells or markets the honey, with or without further processing and packaging, the cooperative marketing organization becomes the first handler upon physical delivery to such cooperative.

(i) When a producer uses honey from his or her own production for feeding his or her own bees, such honey is not handled at that time. Honey in any form sold and shipped to any persons for the purpose of feeding bees is handled and is subject to assessment. The buyer of the honey for feeding bees is the first handler.

§ 1240.113 Importer.

Each lot of honey and honey products imported into the United States is subject to assessment under this part. Such assessment shall be paid by the importer of such honey and honey products at the time of entry or withdrawal for consumption into the United States. Any person who imports honey or honey products into the United States as principal, agent, broker, or consignee for honey produced outside the United States and imported into the United States shall be the importer.

§ 1240.114 Exemption procedures

(a) Producers who produce, producer-packers who produce and handle, and importers who import less than 6,000 pounds of honey per year wishing to claim an exemption from assessments pursuant to § 1240.42 (a) and (b) should submit an application to the Board for a certificate of exemption.

(b) Upon receipt of the claim for exemption, the Board shall investigate, to the extent practicable, the request for exemption. The Board will then issue, if deemed appropriate, an exemption certificate to each person who is eligible to receive one. Producers who are exempt from assessment must present their certificates of exemption to their first handler in order to not be subject to assessment on honey. First handlers, except as otherwise authorized by the Honey Board are required to maintain records showing the exemptee's name and address along with their certificate number assigned by the Board.

(c) The Secretary, upon recommendation by the Board, may exempt that portion of assessments collected under a qualified State plan; *Provided,* That the State plan meets all of the requirements in § 1240.42(d) of the Order.

(1) First handlers collecting assessments from producers for the State plan and the Board shall forward that portion of assessments collected under the order in excess of the State assessment to the Board.

(2) Upon request of the Board, producers having an exemption from a portion of the assessments under this Order due to payment of assessments under a State plan, shall be required to furnish evidence to the Board that the assessments to the State have been paid.

§ 1240.115 Levy of assessments.

(a) *Time of payment.* The assessment shall become due at the time assessable honey is first handled or entered or withdrawn for consumption into the United States pursuant to this part.

(b) An assessment of one cent per pound is levied on honey produced in the United States, on imported honey entered or withdrawn for consumption into the United States, and on honey used in imported honey products entered or withdrawn for consumption into the United States except that assessments shall not be levied on the following:

(1) Any persons other than importers holding a valid exemption certificate during the twelve month period ending on December 31;

(2) That portion of honey which does not enter the current of commerce which is utilized solely to sustain a producers or producer-packer's own colonies of bees;

(3) That portion of otherwise assessable honey which is contained in imported products wherein honey is not a principal ingredient. Honey subject to assessment shall be assessed only once.

(c) The assessment on each lot of honey handled in the United States shall be paid by the first handler who handles, or by the producer-packer who produces and handles such honey.

(1) The first handler shall collect and pay assessments to the Board unless such handler—

(i) Has obtained from the producer a certificate of exemption from the Board exempting the producer from assessment due to the exclusion in § 1240.42(a) of the Order and § 1240.14 of the regulations, or

(ii) Has received documentation acceptable to the Board that the assessment has been previously paid.

(2) A producer-packer shall pay, or collect and pay, assessments to the Board unless—

(i) Such producer-packer has obtained an exemption from the Board applicable to the honey he or she produced or produced and handled;

(ii) Such producer-packer has obtained from another producer, whose honey the producer-packer handled, a certificate of exemption from the Board exempting that producer from assessment due to the exclusion in

§ 1240.42(a) of the Order and § 1240.114 of the regulations; or

(iii) Has received documentation acceptable to the Board that the assessment has been previously paid.

(d) Assessments shall be levied with respect to honey pledged as collateral for a loan under the Commodity Credit Corporation (CCC) Honey Price Support Program in accordance with an agreement entered into between the Honey Board and CCC. The assessment will be deducted from the proceeds of the loan by CCC and forwarded to the Board, except that the assessment shall not be deducted in the case of a honey marketing cooperative that has already deducted the assessment or that portion of the assessment paid to a qualified State plan exempted by the Board. When such loan is redeemed, the Department shall provide the producer with proof of payment of assessment.

(e) The U.S. Customs Service (USCS) will collect assessments on all honey or honey products where honey is the principal ingredient imported under its tariff schedule (TSUSA number 155.70) at the time of entry or withdrawal for consumption and forward such assessment as per the agreement between the USCS and USDA. Any importer or agent who is exempt from payment of assessments pursuant to § 1240.42 (a) and (b) of the Order may apply to the Board for reimbursement of such assessments paid.

(f) A late payment charge shall be imposed on any handler, producer-packer, or importer except as otherwise authorized by the Board, who fails to pay to the Board within the time prescribed in this subpart the total amount of assessment due for which any such handler, importer, or producer-packer is liable. Fifteen days after the assessment becomes due a one-time late payment charge of 10 percent will be added to any outstanding funds due the Board.

(g) In addition to the late payment charge, one and one-half percent per month interest on the outstanding balance except as otherwise authorized by the Board, will be added to any accounts delinquent over 30 days and will continue monthly until the outstanding balance is paid to the Board.

§ 1240.116 Payment of assessments.

(a) *Responsibility for payment.* Unless otherwise authorized by the Board under the Act and Order, the first handler or producer-packer shall collect the assessment from the producer, or deduct such assessment from the proceeds paid to the producer on whose honey the assessment is made, and remit the assessments to the Board. The first handler or producer-packer shall furnish the producer with evidence of such payment. Any such collection or deduction of assessment shall be made not later than the time when the assessment becomes payable to the Board. Failure of the handler or producer-packer to collect or deduct such assessment does not relieve the handler or producer-packer of his or her obligation to remit the assessment to the Board. Assessments on imported honey and honey products shall be collected as specified in § 1240.115(e); *Provided,* That importers shall be responsible for payment of any assessment amount not collected by the U.S. Customs Service at the time of entry or withdrawal for consumption into the United States.

(b) *Payment directly to the Board.* Except as provided in paragraph (c) of this section, each first handler and producer-packer shall pay the required assessment pursuant to § 1240.41 of the Order directly to the Board at the address referenced in § 1240.106, for each reporting period specified in § 1240.119, on or before the 15th day following the end of such period. Payment shall be in the form of a check, draft, or money order payable to the Board and shall be accompanied by a report on Board forms pursuant to § 1240.50.

(c) *Prepayment of assessment.* (1) In lieu of the monthly assessment payment specified in § 1240.119 of this subpart, the Board may permit first handlers or producer-packers to make advance payments of their total estimated assessments for the season to the Board prior to their actual determination of assessable honey.

(2) Persons using such procedure shall provide a monthly accounting of actual handling and assessments.

(3) Specific requirements, instructions, and forms for making such advance payments shall be provided by the Board upon request.

(d) *Payment through cooperating agency.* The Board may enter into agreements subject to approval of the Secretary authorizing other organizations to collect assessments in its behalf. All such agreements are subject to the requirements of the Act, Order, and all applicable rules and regulations under the Act and the Order.

§ 1240.117 Refunds.

A refund of assessments may be obtained by a producer, producer-packer only for their own production, or importer only by following the procedures prescribed in the section.

(a) *Application form.* A producer, producer-packer, or importer shall obtain a refund form from the Board by written request which shall bear the producer's, producer-packer's, or importer's signature. For partnerships, corporations, associations, or other business entities, a partner or an officer of the entity must sign the request and indicate his or her title.

(b) *Submission of refund application to Board.* Any producer, producer-packer, or importer requesting a refund shall mail an application on the prescribed form to the Board within 90 days from the date the assessment became payable pursuant to § 1240.115. The refund application shall show the following:

(1) Producer's, producer-packer's, or importer's name and address;

(2) First handler's or handlers' name(s) and address(es);

(3) The number of pounds of honey on which a refund is requested;

(4) Date or inclusive dates on which assessments were paid; and

(5) Producer's, producer-packer's, or importer's signature.

Where more than one producer, producer-packer, or importer shared in the assessment payment, joint or separate refund application forms may be filed. In any such case the refund application shall show in addition to other required information the names, addresses, and proportionate shares of such producers or importers and the signature of each.

(c) *Proof of payment of assessment.* Evidence of payment of assessments satisfactory to the Board shall accompany the producer's, producer-packer's, or importer's refund application.

(d) *Payment of refund.* Refunds will be made in June and December only; applications for refunds payable in June must be received by May 31 and applications for payment in December by November 30. For joint applications, the remittance shall be made payable jointly to all eligible producers, producer-packers, or importers signing the refund application form.

§ 1240.118 Reports of disposition of exempted honey.

The Board may require reports by first handlers and producer-packers on the handling and disposition of exempted honey. Also, authorized employees of the Board or the Secretary may inspect such books and records as are

appropriate and necessary to verify the reports on such disposition.

§ 1240.119 Reporting period and reports.

(a) For the purpose of the payment of assessments, a calendar month shall be considered the reporting period; however, other accounting periods may be used when registered with and approved by the Board in writing.

(b) Pursuant to § 1240.50 of the Order, handlers and producer-packers shall file with the Board a report for each reporting period.

(1) All reports shall contain at least the following information:

(i) The handler's or producer-packer's name and address;

(ii) Date of report (which is also date of payment to the Board);

(iii) Period covered by report; and

(iv) Total quantity of honey determined as assessable during the reporting period.

(2) Handlers or producer-packers who collect assessments from producers or withhold assessments for their accounts or pay the assessments themselves shall also include with each report a list of all such producers whose honey was handled during the period, their addresses, and to total assessable quantities handled for each such producer.

(c) Each importer shall file with the Board a monthly report containing at least the following information:

(1) The importer's name and address.

(2) The quantity of honey and honey products entered or withdrawn for consumption into the United States.

(3) The amount of assessment paid on honey and honey products entered or withdrawn for consumption into the United States to the U.S. Customs Service at the time of entry or withdrawal for consumption.

(4) The amount of any honey and honey products on which the assessment was not paid to the U.S. Customs Service at the time of entry or withdrawal for consumption into the United States.

(d) In the event of a first handler's, producer-packer's, or importer's death, bankruptcy, receivership, or incapacity to act, the representative of the handler, producer-packer, or importer or his or her estate, shall be considered the first handler, producer-packer, or importer for the purposes of this part.

§ 1240.120 Retention period for records.

Each first handler, producer-packer, and importer required to make reports pursuant to this subpart shall maintain and retain for at least two years beyond the marketing year of their applicability: One copy of each report made to the Board, records of all exempt producers, producer-packer, and importers including certification of exemption as necessary to verify the address of each exempt producer, producer-packer, and importer and such records as are necessary to verify such reports.

§ 1240.121 Availability of records.

Each first handler, producer-packer, and importer required to make reports pursuant to this subpart shall make available for inspection by authorized employees of the Board or the Secretary during regular business hours, such records as are appropriate and necessary to verify reports required under this subpart.

§ 1240.122 Confidential books, records, and reports.

All information obtained from the books, records, and reports of handler, producer-packer, and importers and all information with respect to refunds of assessments made to individual producers and importers shall be kept confidential in the manner and to the extent provided for in § 1240.52 of the Order.

§ 1240.123 Right of the Secretary.

All fiscal matters, programs, projects, rules or regulations, reports, or other substantive action proposed and prepared by the Board shall be submitted to the Secretary for approval.

§ 1240.124 Personal liability.

No member of the Board shall be held personally responsible, either individually or jointly with others, in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate member, or employee except for acts of willful misconduct, gross negligence, or those which are criminal in nature.

§ 1240.125 OMB control number.

The control number assigned to the information collection requirements by the Office of Management and Budget pursuant to the Paperwork Reduction Act of 1980, Pub. L. 96–511, is as follows: 0581–0153.

Signed this day at Washington, DC, January 28, 1987.

Thomas R. Clark,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 87–2008 Filed 1–29–87; 11:30 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 85–NM–149–AD; Amdt. 39–5531]

Airworthiness Directives; Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 747 airplanes, which requires inspections and modifications of the emergency escape system. This action has been prompted by numerous reports of escape system failures. The required inspections and modifications will provide a satisfactory overall reliability of the passenger evacuation system, and will provide corrective action for the malfunctions identified in the listed service bulletins. Failure of the evacuation system could result in unusable escape slides and jeopardize successful emergency evacuation of an airplane.

DATE: Effective March 9, 1987.

ADDRESSES: The applicable service information may be obtained from the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124; the BF Goodrich Company, Dept. 1809, 500 South Main Street, Akron, Ohio 44318; and the Air Cruisers Company, P.O. Box 180, Belmar, New Jersey 07719. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Roger S. Young, Airframe Branch, ANM–120S; telephone (206) 431–1929. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive to require inspections and modifications of the Boeing Model 747 emergency escape system was published in the **Federal Register** on May 8, 1986 (51 FR 17049).

The comment period for the proposal, which ended July 29, 1986, afforded interested persons an opportunity to

participate in the making of this amendment. Due consideration has been given to all comments received. Comments were received from The Boeing Company, the Air Transport Association (ATA) of America, and the National Transportation Safety Board (NTSB).

The Boeing Company stated that proper maintenance practices must be followed to ensure reliable escape system operation, and that the operational reliability of the escape system would be significantly enhanced with implementation of the checklist. Boeing recommended that it be performed each "2C" check period (generally 24 to 26 months). The FAA concurs, but notes that the 30-month required insepction interval was determined by the FAA to correspond to the "2C" check period, with allowance for those operators who have a slightly longer time between "C" checks. Therefore, the final rule needs no revision.

Boeing and ATA objected to the proposed requirement to revise maintenance inspection programs on the grounds that the FAA is using AD procedures to enforce proper maintenance practices. ATA cites the preamble to Part 39 of the Federal Aviation Regulations for objecting to the FAA using the AD process to correct a maintenance practice of an individual operator or to enforce maintenance rules. The FAA does not concur. The preamble to Amendment 39–106 (30 FR 8826), effective August 13, 1965, states that "this amendment removes the two restrictions from the regulations and will allow AD's to be issued for unsafe conditions however and wherever found." The preamble also states that the FAA is "broadening the regulation to make any unsafe condition, whether resulting from maintenance, design defect, or otherwise, the proper subject of an AD." The preamble does state that the FAA will not issue AD's to correct problems arising from poor maintenance practices on the part of an individual operator. However, service history has demonstrated that the Model 747 escape system problems are not limited to a single operator. Therefore, the FAA has determined that the inspection checklist is a proper subject for an AD.

Boeing also commented that the maintenance manual procedures are customized to individual operators and are not currently FAA-approved. Boeing noted that the temporary revision to the maintenance manual, referenced in paragraph A of the proposal, has now been formally incorporated into each operator's maintenance manual, and no longer exists. Boeing has updated the inspection checklist to reflect the latest procedures in the Boeing Maintenance Manual Chapter 52–11–07 and released the checklist in Boeing Service Letter 747–SL–52–35, Revision A, dated December 16, 1986. The final rule has been revised to reflect this service letter. This revision consists of corrections and clarifications, and will impose no additional burden on any operator. However, the FAA has determined that inspections accomplished in accordance with Boeing Maintenance Manual Temporary Revision 52–607, dated October 31, 1985, are acceptable for compliance with paragraph A of this AD.

Boeing commented that there is no requirement for an initial inspection for airplanes after line number 630, and that the recurrent inspection interval of 30 months is not consistent with line number 630, which was delivered in January 1986. Boeing suggested that the applicability of the AD should be changed to any airplane delivered 30 months prior to the effective date of the AD.

The FAA concurs and paragraph A. of the final rule has been revised to reflect that compliance is required within 9 months after the effective date of the AD or within 30 months after the date of initial delivery from Boeing, whichever occurs later. This change merely clarifies the AD and does not increase the burden on any operator.

Boeing also stated that the AD should exclude freighters. The FAA concurs that freighters should be excluded since the doors are not passenger emergency exits and they generally do not have escape slides installed. This would also apply to doors in the cargo area of dedicated mixed passenger/cargo airplanes. Airplanes that are converted regularly from the cargo to the passenger configuration must be inspected when in the passenger configuration. The wording of the final rule has been changed to exclude doors which do not have escape slides installed.

Boeing stated that escape slide part numbers should be listed instead of listing the Supplemental Type Certificate (STC) under which the slides were approved because operators do not receive copies of the STC. The FAA does not concur. The use of escape slide part numbers instead of the STC number is not practical since the AD would have to be revised each time additional part numbers are approved under the STC. Operators who install a part by STC must have the STC for the airplane records and must have the corresponding installation procedures.

The ATA questioned whether each of the 11 modifications can be justified on its own merits and stated that the NPRM is based only on general statements of unreliability. The FAA does not concur. The FAA notes that The Boeing Company, in a letter to FAA, cited its study of almost 1,300 attempted door and slide deployments, of which 82.3 percent were successful. This included Boeing's own production tests in which deployments are more reliable than deployments in service. Boeing concluded that reliability can be enhanced by improved maintenance and incorporation of certain service bulletins. Further, Boeing stated that almost a third of the unsuccessful deployments "are preventable by simply using the checklist." The FAA also has received numerous failure reports from the Service Difficulty Reporting System and reports of failures of partial evacuation demonstrations conducted under FAR 121.291. Each of the modifications proposed was evaluated by the FAA and has been determined to be necessary to prevent deployment failures and to provide an adequate level of safety.

ATA commented that the Seattle Aircraft Certification Office will be "taking over" the operators' maintenance programs and that the operators will not be able to adjust their maintenance programs based on their reliability programs. The ATA contends that this could adversely affect safety by delaying adoption of needed program revisions, even in the case of adverse reliability findings. The FAA does not concur. Once the checklist is incorporated into an operator's maintenance program, the AD requirement is satisfied and, with approval by the Principal Maintenance Inspector (PMI), the maintenance program can be adjusted by the operator without coordination with the Seattle Aircraft Certification Office. The FAA does not agree that this AD will compromise the operator's maintenance program. The maintenance program should be strengthened by the incorporation of a systematic checklist. By requiring incorporation of the checklist into the maintenance program, instead of requiring specific intervals for repetitive inspections, this AD gives the operator the flexibility to accomplish the inspections within the framework of its normal maintenance practice.

The ATA stated that the FAA estimate of the time required to accomplish the inspection checklist is too low, since some operation

procedures would require two mechanics and an inspector. Also, some inspections must be accomplished in an overhaul shop because dismantling of the slide packs and records checks are not normally done by line mechanics, which adds to the complexity of the inspections. The ATA estimated that 144 manhours is a more accurate number of the manhours required to accomplish the requirements of the AD. Upon reconsideration of this information, the FAA agrees that its original estimate of 14 manhours is low; however, the ATA estimate appears too high. In its economic cost analyses, the FAA only considers the costs associated with the required inspections, not the time necessary for corrective action. The cost estimate has been revised to better reflect the time necessary to accomplish the inspection.

The FAA has determined that the records checks need not be part of an AD and the final rule has been revised to delete them. If the operator wishes, some of the checks could be accomplished with the escape slide removed from the airplane; however, it is not necessary. The slide packs must be removed from the door, but need not be unpacked in order to accomplish the required inspections. All inspections can be accomplished on the airplane.

The NTSB agrees that the AD would improve the reliability of the Model 747 slides and slide/rafts and cites specific escape slide failures that it has investigated. The NTSB states that the AD would provide inspections that should preclude the cited problems from recurring.

After a careful review of available data, including the comments noted above, the FAA has determined that air safety and the public interest require adoption of the proposed rule with the changes previously noted.

The following table lists the approximate number of U.S.-registered airplanes that will be affected by this AD, and gives an estimate of the manhours and cost of repair parts per airplane that will be required to accomplish each of the inspections.

Paragraph	No. of airplanes	Manhours/ Airplane	Parts
A & B	133	56	0
C.1	40	10	$133
C.2	78	30	$2,370
C.3	0	0	0
C.4	7	8	$2,636
C.5	133	48	$1,086
C.6	12	16	0
C.7	9	12	$243
C.8	6	7	$651
C.9	133	10	$2,040
C.10	133	4	$1,020
D	133	16	$2,273

Based on an average labor cost of $40 per manhour, and the table above, the total cost impact of this AD to U.S. operators is estimated to be $1,906,852.

For the reasons discussed above, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic impact on a substantial number of small entities because few, if any, Boeing Model 747 airplanes are operated by small entities. A final evaluation has been prepared for this regulation and has been placed in the regulatory docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the Federal Aviation Regulations as follows:

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By adding the following new airworthiness directive:

Boeing: Applies to all Model 747 series airplanes equipped with escape slides, certificated in any category. The applicability of each requirement is listed in the following paragraphs. Compliance required as indicated in the body of the AD.

To detect installation errors and provide satisfactory reliability of the evacuation system, accomplish the following, unless already accomplished:

A. For all Model 747 airplane doors equipped with escape slides, within nine months after the effective date of this AD or within 30 months after the date of initial delivery from Boeing, whichever occurs later, inspect the evacuation system in accordance with Boeing Service Letter 747-SL-52-35, Revision A, dated December 16, 1986, or later FAA-approved revisions, or FAA-approved equivalent, except as noted in subparagraphs A.1, A.2, and A.3., below.

1. For airplanes equipped with Air Cruisers slide/rafts installed in accordance with STC SA1215EA, the following changes must be made to the inspections:

a. Paragraph 3, Step C: The strap does not require disconnecting.

b. Paragraph 3, Step P(3): The girt lanyard cables must be installed on both forward and aft pulleys in accordance with a Air Cruisers Installation Instructions P-11751.

c. Paragraph 3, Step Q(18): This step may be deleted.

2. For airplanes equipped with BF Goodrich slide/rafts installed in accordance with STC SA574GL or SA575GL, replace Paragraph 3, Step C and Step Q(18), with the survival kit instructions of BFGoodrich Service Bulletin 25-063.

3. The following records checks need not be accomplished as part of this AD:

Paragraph:	Step
3	Q(4)
4	W(3)
5	X(3)
6	AJ
6	AU(3)
6	AU(20)
6	AU(23)

Airplane evacuation systems that do not meet the inspection criteria must be repaired prior to further flight in accordance with the corrective action procedure listed in the Boeing Service Letter or as amended by Air Cruisers installation instructions.

Note.—Equivalent inspections may be approved by an FAA Principal Maintenance Inspector.

B. Within the next nine months after the effective date of this AD, incorporate the inspections described in paragraph A., above, into the FAA-approved maintenance inspection program. These inspections must be accomplished at intervals not to exceed 30 months from the last inspection.

Note.—Equivalent inspections may be approved by an FAA Principal Maintenance Inspector.

C. Within 18 months after the effective date of this AD, inspect and/or modify the evacuation system in accordance with the following service bulletins, or later FAA-approved revisions:

1. For airplanes listed in Boeing Model 747 Service Bulletin 25-2083, dated August 12, 1970, modify the off-wing escape slide compartment latch system in accordance with that Boeing Service Bulletin.

2. For all Model 747 airplanes equipped with evacuation slide assemblies (Boeing Part Numbers 60B00006 -83 thru -102) and evacuation ramp assemblies (Boeing Part Numbers 60B50076 -57 thru -60) modify the slide/ramp packboard release mechanism in accordance with Boeing Model 747 Service Bulletin 25-2141, Revision 1, dated July 19, 1971.

Note.—These units may have been installed on airplanes other than those listed in the service bulletin.

3. For airplanes listed in Boeing Service Bulletin 747-25-2332 Revision 2, dated September 2, 1977, modify the off-wing escape slide inflation system in accordance with that Boeing Service Bulletin.

4. For Model 747 airplanes with reservoir assemblies (BF Goodrich Part Numbers 4A3037 -12 and -13, 4A3038, and 4A3038 -10

and -11) installed at the off-wing location, replace the actuator assembly portion of the reservoir assembly in accordance with Boeing Service Bulletin 747-25-2423 dated August 25, 1978.

Note.—These reservoir assemblies may have been installed on airplanes other than those listed in the service bulletin.

5. For Model 747 airplanes listed in Boeing Service Bulletin 747-25-2501, Revision 4, dated January 11, 1985, test and inspect the off-wing slide firing cable in accordance with that Boeing Service Bulletin.

a. Cables not meeting the test and inspection criteria must be replaced prior to further flight.

b. Repeat the inspection at intervals not to exceed two years until the cables are replaced in accordance with Paragraph III.J. of Boeing Service Bulletin 747-25-2501, Revision 4, dated January 11, 1985.

6. For Model 747 airplanes equipped with upper deck evacuation slide assemblies (Boeing Part Numbers 60B50072 -31, -32, -39, -41 thru -46, -50 thru -52, -59 thru -61, and -63 thru -65), modify the slide assemblies in accordance with Boeing Service Bulletin 747-25-2465, Revision 1, dated May 25, 1982.

Note.—These slide assemblies may have been installed on airplanes other than those listed in the service bulletin.

7. For Model 747 airplanes listed in Boeing Service Bulletin 747-25-2525, Revision 1, dated May 22, 1981, modify the off-wing escape slide compartment in accordance with that Boeing Service Bulletin.

8. For Model 747 airplanes equipped with upper deck escape slide packboard assemblies (Boeing Part Numbers 65B57619 -41 and -42), modify the packboard in accordance with Boeing Service Bulletin 747-25-2529, dated July 10, 1981.

Note.—These packboards may have been installed on airplanes other than those listed in the service bulletin.

9. For airplanes listed in Boeing Service Bulletin 747-25-2592, dated June 15, 1982, modify the off-wing latch release and door opening thrusters in accordance with that Boeing Service Bulletin.

10. For airplanes listed in Boeing Service Bulletin 747-25-2641, dated October 26, 1984, inspect and replace, if necessary, the off-wing door deployment thruster in accordance with that Boeing Service Bulletin.

D. For all Model 747 airplanes equipped with a combination slide/raft, within two years after the effective date of this AD, replace the Door No. 5 girt bar lifters and adjust the door floor fittings in accordance with Boeing Service Bulletin 747-52-2171, Revision 1, dated December 3, 1982, or later FAA-approved revisions.

E. Except as provided in Paragraph A. and B., an alternate means of compliance, which provide an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

F. Upon request of an operator, an FAA Principal Maintenance Inspector, subject to approval by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, may adjust the compliance times specified in this AD to permit compliance at an established inspection period of that operator if the request contains substantiating data to justify the change for that operator.

G. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modifications required by this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124-2207; BFGoodrich Company, Dept 1809, 500 South Main Street, Akron, Ohio 44318; and Air Cruisers Company, P.O. Box 180, Belmar, New Jersey 07719. These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective March 9, 1987.

Issued in Seattle, Washington, on January 21, 1987.

Wayne J. Barlow,

Director, Northwest Mountain Region.

[FR Doc. 87-1906 Filed 1-30-87; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 86-NM-109-AD; Amdt. 39-5530]

Airworthiness Directives; Gates Learjet Models 35, 35A, 36, 36A, and 55

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive, applicable to Gates Learjet Models 35, 35A, 36, 36A, and 55 series airplanes, equipped with certain J.E.T. autopilot/flight director systems, which adds a limitation to the Airplane Flight Manual Supplement (AFMS) that prohibits the use of the applicable J.E.T. flight director system for certain VOR/TACAN operations, and where appropriate, modifies or adds a limitation to the AFMS relative to the use of wing flaps on autopilot-coupled VOR/TACAN approaches. This amendment is needed to prevent the potential for lateral navigational errors during enroute and approach operations.

DATE: Effective March 9, 1987.

ADDRESSES: The applicable Temporary Airplane Flight Manual Supplement Changes may be obtained from Gates Learjet Corporation, P.O. Box 7707, Wichita, Kansas 67277. This information may be examined at FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or FAA Central Region, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas.

FOR FURTHER INFORMATION CONTACT: Robert R. Jackson, Aerospace Engineer, Wichita Aircraft Certification Office, FAA, Central Region, 1801 Airport Road, Room 100, Wichita, Kansas 67209; telephone (316) 946-4416.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive which adds limitations to the AFMS of certain Gates Learjet 35, 36, and 55 series airplanes, to prohibit the use of the applicable J.E.T. flight director system for certain VOR/TACAN operations, was published as a Notice of Proposed Rulemaking (NPRM) in the **Federal Register** on June 4, 1986 (51 FR 20308).

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received in response to the proposal.

Since issuance of the NPRM, the FAA has reviewed and approved Gates Learjet Corporation Service Bulletins SB 35/36-22-5 and SB 55-22-2, both dated January 5, 1987, which describe modifications to the autopilot computers which will correct the unsafe condition addressed by this AD. The FAA has determined that incorporation of the modification described in the service bulletins constitutes terminating action for the requirements of this AD. Accordingly, an optional terminating action provision has been added to the final rule.

Certain other revisions have been made to the final rule to: (1) Clarify certain serial numbers of affected airplanes, (2) reference the date of a revision to a certain Airplane Flight Manual Supplement, and (3) include an additional airplane modification kit which, if incorporated on Model 55 airplanes, will exclude those planes from certain requirements of this AD (this kit number was inadvertently omitted from the Notice). The FAA has determined that these changes are editorial, relieving, or optional requirements, and will impose no additional burden on any operator.

After careful review of the available data, the FAA has determined that air safety and the public interest require the

adoption of the rule with the changes noted above.

Approximately 230 airplanes of U.S. registry will be affected by this AD. The FAA has determined that since this proposed regulation only requires the insertion of the Temporary Flight Manual Supplement Changes in the Limitations Section of the appropriate Flight Manual Supplement, compliance would involve only a nominal monetary cost to operators.

For the reasons discussed above, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic effect on a substantial number of small entities, because of the minimal cost of compliance per airplane. A final evaluation has been prepared for this regulation and has been placed in the docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) as follows:

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By adding the following new airworthiness directive:

Gates Learjet Corporation: Applies to Learjet Models 35, 35A, 36, and 36A airplanes equipped with a J.E.T. FC–530 autopilot/flight director; Model 35A airplanes equipped with a J.E.T. FC–535 autopilot/flight director; and Model 55 airplanes equipped with a J.E.T. FC–550 autopilot/flight director; certificated in any category. Compliance required as indicated, unless already accomplished.

To prevent the potential for operations with unsafe flight director steering commands, accomplish the following:

A. For Models 35, 35A, 36, and 36A airplanes equipped with J.E.T. FC–530 autopilot/flight director, except airplanes S/N 35–620, 35–627 and subsequent, and 36–057 and subsequent, within the next 10 hours time-in-service after the effective date of this AD, insert the following information in "Section I—Limitations" of the Gates Learjet 35/36 series Airplane Flight Manual Supplement (AFMS) for the J.E.T. FC–530 autopilot/flight director, AFMS W1029, dated 4/23/85, revised 3/11/86 (or Gates Learjet 35A, 36A J.E.T. FC–530 autopilot/flight director, AFMS W1029, dated 9/20/82, revised 5/13/83):

1. Add the following limitation and Note:

Flight director VOR enroute and approach operations and prohibited.

Note.—Autopilot-coupled VOR operations and raw data displays are not affected and may be used.

2. Change the final limitation to read as follows:

For autopilot VOR approach, the flaps must be lowered to 8° or more.

B. For Model 35A airplanes equipped with J.E.T. FC–535 autopilot/flight directors, within the next 10 hours time-in-service after the effective date of this AD, insert the following information in "Section I—Limitations" of the Gates Learjet Model 35A/36A AFMS for the J.E.T. FC–535 autopilot/flight director, AFMS T1204, dated 3/16/84, revised 4/4/84:

1. Add the following limitation and Note:

Flight director VOR/TACAN enroute and approach operations are prohibited.

Note.—Autopilot-coupled VOR/TACAN operations and raw data displays are not affected and may be used.

2. Change the final limitation to read as follows:

For autopilot VOR/TACAN approach, the flaps must be lowered to 8° or more.

C. For Model 55 airplanes equipped with J.E.T. FC–550 autopilot/flight directors, airplanes Serial Numbers 55–003 through 55–011, not incorporating ECR 2524, ECR 2525, AAK 55–81–2, or AAK 55–83–1, within the next 10 hours time-in-service after the effective date of this AD, insert the following information in "Section I—Limitations" of the Gates Learjet Model 55 AFMS for the J.E.T. FC–550 autopilot/flight director, AFMS W1001, dated 4/14/81, revised 8/31/81:

1. Add the following limitation and Note:

Flight director VOR enroute operations are prohibited.

Note.—Autopilot-coupled VOR enroute operations and raw data displays are not affected and may be used.

D. For Model 55 airplanes equipped with J.E.T. FC–550 autopilot/flight director; airplanes S/N 55–003 through 55–011, incorporating ECR 2524, ECR 2525, AAK 55–81–2, or AAK 55–83–1; and airplanes S/N 55–012 through 55–126; within the next 10 hours time-in-service after the effective date of this AD, insert the following information in "Section I—Limitations" of the appropriate Gates Learjet Model 55 AFMS for the J.E.T. FC–550 autopilot/flight director: AFMS W1002, dated 8/25/81, revised 2/15/83 (for airplanes S/N 55–003 through 55–011, incorporating ECR 2524 or AAK 55–81–2, and airplanes S/N 55–012 through 55–042); or AFMS W1003, dated 8/31/81, revised 2/15/83 (for airplanes S/N 55–003 through 55–042, incorporating ECR 2524 and ECR 2525, or AAK 55–83–1; and airplanes S/N 55–043 and 55–126):

1. Add the following limitation and Note:

Flight director VOR enroute and approach operations are prohibited.

Note.—Autopilot-coupled VOR operations and raw data displays are not affected and may be used.

2. Add the following limitation:

For autopilot VOR approach, the flaps must be lowered to 8° or more.

E. In order to comply with the applicable requirements of paragraph A., B., C., or D., above, a copy of this AD may be used as a temporary amendment to the AFMS and carried in the airplane as part of the AFMS until replaced by the appropriate FAA-approved Gates Learjet published Temporary Flight Manual (TFM) Supplement Change. These include:

1. TFM Supplement Change to AFMS W1029 for the Models 35/36 series with J.E.T. FC–530 autopilot/flight director: TFM 86–1, dated 4/1/86.

2. TFM Supplement Change to AFMS T1204 for the Models 35A/36A with J.E.T. FC–535 autopilot/flight director: TFM 86–2, dated 4/1/86.

3. TFM Supplement Change to AFMS W1001 for the Model 55 with J.E.T. FC–550 autopilot/flight director: TFM 86–3, dated 4/1/86.

4. TFM Supplement Change to AFMS W1002 and AFMS W1003 for the Model 55 with J.E.T. FC–550 autopilot/flight director: TFM 86–4, dated 4/1/86.

F. Installation of the modification described in Gates Learjet Service Bulletins SB35/36–22–5 or SB55–22–2, both dated 1/5/87, as applicable, constitutes terminating action for the requirements of this AD.

G. Alternate means of compliance which provide an acceptable level of safety may be used when approved by the Manager, Wichita Aircraft Certification Office, FAA, Central Region.

All persons affected by this directive who have not already received the appropriate Temporary Airplane Flight Manual Supplement Changes and other service information from the manufacturer may obtain copies upon request to Gates Learjet Corporation, P.O. Box 7707, Wichita, Kansas 67277. The service information may be examined at FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or FAA, Central Region, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas.

This amendment becomes effective March 9, 1987.

Issued in Seattle, Washington, on January 21, 1987.

Frederick M. Isaac,

Acting Director, Northwest Mountain Region.

[FR Doc. 87–1907 Filed 1–30–87; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 39

[Docket No. 86-CE-07-AD; Amdt. 39-5527]

Airworthiness Directive; Mitsubishi Heavy Industries, Limited, and Mitsubishi Aircraft International, Inc., Models MU-2B, MU-2B-10, MU-2B-15, MU-2B-20, MU-2B-25, MU-2B-26, MU-2B-26A, MU-2B-30, MU-2B-35, MU-2B-36, MU-2B-36A, MU-2B-40, and MU-2B-60 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes Airworthiness Directives (AD) 74-11-02 (Amendments 39-1846, 39-2269) and 75-02-01 (Amendments 39-2059, 39-2269) applicable to Mitsubishi Heavy Industries, Limited, (MHI) Type Certificate A2PC Models MU-2B, -10, -15, -20, -25, -26, -30, -35, and -36 airplanes. The new AD would eliminate the repetitive inspections of the superseded AD's and require a one-time inspection, sealing, and replacement, as necessary, of wing flap flexible shafts, as well as shaft routing adjustment for bend radius relief. The new AD is needed because the FAA has learned of additional wing flap flexible shaft failures and that the applicability should be expanded to include the MU-2B airplanes certificated in the U.S. under Type Certificate (TC) A10SW. Failure of the wing flap flexible shaft will result in aircraft roll upon operation of flaps during flight. This action will preclude wing flap flexible shaft failure.

EFFECTIVE DATE: March 4, 1987.

Compliance: Required as prescribed in the body of the AD.

ADDRESSES: MHI Service Bulletin (S/B) MU-2 No. 198 dated February 13, 1985, and Mitsubishi Aircraft International (MAI) S/B MU-2 SB051/27-007, dated February 1, 1985, applicable to this AD, may be obtained from Mitsubishi Heavy Industries, Ltd., 10, Oye-Cho, Minato-ku, Nagoya, Japan, or Beech Aircraft Corporation (Licensee to Mitsubishi), 9709 East Central, P.O. Box 85, Wichita, Kansas 67201, Attn: Manager, Publications.

A copy of this information is also contained in the Rules Docket, Federal Aviation Administration, Central Region, Office of Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: For MHI TC A2PC Series airplanes manufactured in Japan: Mr. Jerry Sullivan, Aerospace Engineer, Airframe Section, ANM-172W, Western Aircraft Certification Office, Federal Aviation Administration, P.O. Box 92007, Worldway Postal Center, Los Angeles, California, 90009-2007; Telephone (213) 297-1166. For MAI TC A10SW Series airplanes manufactured in the U.S.: Mr. Robert R. Jackson, Aerospace Engineer, Wichita Aircraft Certification Office, ACE-130W, Federal Aviation Administration, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 946-4419.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include a new AD superseding two existing ADs applicable to certain Mitsubishi Heavy Industries MU-2B series airplanes requiring inspection and a joint sealing process on the wing flexible shaft joints was published in the **Federal Register** on July 30, 1986 (51 FR 27194) and a supplemental notice of proposed rulemaking (NPRM) was published in the **Federal Register** on November 4, 1986, (51 FR 40033). The proposals resulted from the manufacturer's report that a wing flap flexible shaft had failed on a MU-2B airplane prior to the manufacturer's recommended maximum service life of 2000 hours and created the potential of differential flap extension. As a result, MHI issued MU-2 Service Bulletin (S/B) No. 198 dated February 13, 1985, and MAI issued MU-2 S/B SB051/27/007, dated February 1, 1985, which give instructions for a torque inspection and a sealing process on flap flexible shaft joints. These instructions are more effective than inspections required by AD 74-11-02 and AD 75-02-01. The Japan Civil Aviation Bureau, which has responsibility and authority to maintain the continuing airworthiness in Japan, has classified this service bulletin and the actions recommended therein by the manufacturer as mandatory and has issued (Japanese) AD TCD-2451-85 to assure the continued airworthiness of the affected airplanes. On airplanes operated under Japanese regulations, this action has the same effect as an AD on airplanes certificated for operation in the United States.

The FAA relies upon the certification of the Japan Civil Aviation Bureau combined with the FAA review of pertinent documentation in finding compliance of the design of these airplanes with the applicable United States airworthiness requirements and the airworthiness conformity of products of this design certificated for operation in the United States. The FAA has examined the available information related to the issuance of MU-2 S/B No. 198 and the mandatory classification of this service bulletin by the Japan Civil Aviation Bureau. Based on the foregoing, the FAA has determined that the condition addressed by MU-2B S/B No. 198 is an unsafe condition that may exist on other products of this type design certificated for operation in the United States.

Consequently, the proposed AD was applicable to MHI Models MU-2b, -10, -15, -20, -25, -26, -30, -35, and -36, airplanes certificated under TC A2PC and MAI Models MU-2B-25, MU-2B-26, MU-2B-26A, MU-2B-35, MU-2B-36A, MU-2B-40 and MU-2B-60 airplanes certificated under TC A10SW, and would require inspection, sealing of joints, and replacement, if necessary, of the flap flexible shaft in accordance with MHI MU-2 S/B No. 198 or MAI MU-2 S/B SB051/27-007 and removal of flap drive shaft clamp at Wing Station (W.S.) 2590 to allow routing of the right and left hand flap flexible shafts to relieve any bend radius less than 8.7 inches and the elimination of the presently required repetitive inspections. In addition, the affected flap flexible shaft part numbers are now RY25-1 or 8022Y-OC-97.00 or 8022Y-OC-97.50 or 035A-961001-3. These actions are to preclude operational failure of the wing flaps.

Interested persons have been afforded the opportunity to comment on the proposal. Beech Aircraft Corporation (Licensee to Mitsubishi Heavy Industries) made a comment to the NPRM published on July 30, 1986, advising the FAA that the MAI airplanes should be included. The FAA published a Supplement NPRM on November 4, 1986. The comment period closed December 10, 1986. No comments were received in response to the Supplemental NPRM. No objections were received on the FAA determination of the related cost to the public. The FAA noted that the original NPRM, published July 30, 1986, included Model MU-2B-36 in the applicability statement but that it was inadvertently omitted in the Supplemental NPRM, published November 4, 1986. Inclusion of this Model MU-2B-36, therefore, imposes no additional burden upon the public. Accordingly, the proposal is adopted as presented in the Supplemental NPRM which was published in the **Federal Register** on November 4, 1986, except for the above change.

There are approximately 548 United States registered airplanes affected by this superseding AD. The cost of complying with this AD is estimated to be $240 per airplane. The cost to the private sector is estimated to be $131,520. Few, if any, small entities own

the affected airplanes. The cost of compliance is so minimal that is would not impose a significant economic burden on any such owner.

Therefore, I certify that this action: (1) Is not a major rule under Executive Order 12291; (2) is not a significant rule under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation has been prepared for this action and has been placed in the public docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the capition **"ADDRESSES."**

List of Subjects in 14 CFR Part 39

Air transportation, Aviation safety, Aircraft Safety.

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends Section 39.13 of Part 39 of the Federal Aviation Regulations as follows:

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By superseding AD 74-11-02 (Amendment 39-1846 as amended by Amendment 39-2269) and AD 75-02-01 (Amendment 39-2059 as amended by Amendment 39-2269) with the following new AD:

Mitsubishi: Applies to Models MU-2B, MU-2B-10, MU-2B-15, MU-2B-20, MU-2B-25, MU-2B-26, MU-2B-26A, MU-2B-30, MU-2B-35, MU-2B-36, MU-2B-36A, MU-2B-40, MU-2B-60 airplanes (Serial Numbers (S/Ns) 008 through 457 inclusive (incl.), 501 through 799 incl., 1501 through 1566 incl. with or without the SA suffix), certificated in any category. (Serial numbers with "SA" suffix designate those MU-2B airplanes certificated in the United States of America under Type Certificate (TC) A10SW, and those serial numbers without "SA" suffix designate those MU-2B airplanes certificated in Japan under TC A2PC.)

Compliance: Required as indicated in the body of the AD, unless previously accomplished.

To preclude failure of flap flexible shaft Part Numbers (P/N) RY25-1, or 8022Y-OC 97.00, or 8022Y-OC-97.50, or 035A-961001-3, and potential differential flap operation, accomplish the following:

(a) For flap flexible shafts:

(1) With less than 1,000 hours of time-in-service (TIS) on the effective date of this AD:

(i) Within the next 100 hours of TIS, seal the fitting and the connection area of the flap flexible shaft in accordance with "INSTRUCTIONS" of MHI MU-2 Service Bulletin (S/B) No. 198 dated February 13, 1985, or "ACCOMPLISHMENT INSTRUCTIONS" of MAI MU-2 S/B SB051/27-007 dated February 1, 1985, as applicable.

(ii) Prior to the accumulation of 1,100 hours total TIS of the flap flexible shaft, perform torque inspection of the flap flexible shaft in accordance with the MHI MU-2 S/B No. 198, or MAI MU-2 S/B SB051/27-007, as applicable.

(A) If the torque value is less than 1.2 in-lbs (1.4 kg-cm) or less, in both clockwise and counter clockwise rotation, seal the flexible shaft in accordance with "INSTRUCTIONS" of MHI MU-2 S/B No. 198 or "ACCOMPLISHMENT INSTRUCTIONS" of MAI MU-2 S/B SB051/27-007, as applicable and return the airplane to service.

(B) If the torque value is greater than 1.2 in-lbs (1.4 kg-cm) in any direction of rotation, before further flight, remove flap flexible shaft and replace this shaft with a serviceable shaft, P/N 8022Y-OC-97.00, or 8022Y-OC-97.50 or 035A-961001-3 or FAA approved equivalent, in accordance with paragraph (b) of this AD, and return the airplane to service.

(2) With 1,000 or more hours of TIS on the effective date of this AD: Within 100 additional hours TIS perform the torque inspection in accordance with MHI MU-2 S/B No. 198, or MAI MU-2 S/B SB051/27-007, as applicable.

(i) If the torque value is 1.2 in-lbs (1.4 kg-cm) or less, in both clockwise and counter clockwise rotation, seal the flexible shaft in accordance with "INSTRUCTIONS" of MHI MU-2 S/B No. 198 or "ACCOMPLISHMENT INSTRUCTIONS" of MAI MU-2B S/B SB051/27-007, as applicable and retrun the airplane to service.

(ii) If the torque value is greater than 1.2 in-lbs (1.4 kg-cm) in any direction of rotation, before further flight, remove flap flexible shaft and replace this shaft with a serviceable shaft, P/N 8022Y-OC-97.00, or 8022Y-OC-97.50 or 035A-961001-3 or FAA approved equivalent, in accordance with paragraph (b) of this AD, and return the airplane to service.

(b) Prior to installing a serviceable replacement flexible shaft, seal the part in accordance with MHI MU-2 S/B No. 198 or MAI MU-2 S/B SB051/27-007, as applicable.

(c) Within 100 hours of TIS after the effective date of this AD, remove and do not reinstall the clamp at W.S. 2590 and ensure that the flap flexible shaft is installed so as to establish that no bend radius throughout the length of the shaft between Wing Station (W.S.) 2370 and W.S. 2910 is less than 8.7 inches (220 millimeters).

(d) Special flight permits may be issue in accordance with FAR 21.197 and FAR 21.199 to ferry aircraft to a maintenance base in order to comply with the requirements of this AD.

(e) An equivalent method of compliance with this AD may be used on the MHI airplanes, if approved by the Manager, Western Aircraft Certification Office, ANM-170W, Federal Aviation Administration, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009-2007, and on the MAI airplanes, if approved by the Manager, FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209.

All persons affected by this directive may obtain copies of the documents referred to herein upon request to Mitsubishi Heavy Industries, Ltd., 10, Oye-Cho, Minato-ku, Nagoya, Japan or Beech Aircraft Corporation, 9709 East Central, P.O. Box 85, Wichita, Kansas 67201, Attention: Manager, Publications; or FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

This amendment supersedes AD 74-11-02 (Amendment 39-1846 (39 FR 17220) as amended by Amendment 39-2269 (40 FR 30464)) and AD 75-02-01 (Amendment 39-2059 (39 FR 44740) as amended by Amendment 39-2269 (40 FR 30464).

This amendment becomes effective March 7, 1987.

Issued in Kansas City, Missouri, on January 20, 1987.

Jerold M. Chavkin,

Acting Director, Central Region.

[FR Doc. 87-1908 Filed 1-30-87; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM80-53]

Publication of Prescribed Maximum Lawful Prices Under the Natural Gas Policy Act of 1978

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Order of the Director, OPPR.

SUMMARY: Pursuant to the authority delegated by 18 CFR 375.307(k), the Director of the Office of Pipeline and Producer Regulation revises and publishes the maximum lawful prices prescribed under Title I of the Natural Gas Policy Act (NGPA) for the months of February, March, and April, 1987. Section 101(b)(6) of the NGPA requires that the Commission compute and publish the maximum lawful prices before the beginning of each month for which the figures apply.

EFFECTIVE DATE: February, 1, 1987.

FOR FURTHER INFORMATION CONTACT: Richard P. O'Neill, Director, OPPR (202) 357-8500.

Order of the Director, OPPR

Issued: January 27, 1987.

Section 101(b)(6) of the Natural Gas Policy Act of 1978 (NGPA) requires that the Commission compute and make available maximum lawful prices and inflation adjustments prescribed in Title I of the NGPA before the beginning of any month for which such figures apply.

Pursuant to this requirement and § 375.307(k) of the Commission's regulations, which delegates the publication of such prices and inflation adjustments to the Director of the Office of Pipeline and Producer Regulation, the maximum lawful prices for the months of February, March, and April, 1987, are issued by the publication of the price tables for the applicable quarter. Pricing tables are found in § 271.101(a) of the Commission's regulations. Table I of § 271.101(a) specifies the maximum lawful prices for gas subject to NGPA sections 102, 103(b)(1)(2), 105(b)(3), 106(b)(1)(B), 107(c)(5), 108 and 109. Table II of § 271.101(a) specifies the maximum lawful prices for sections 104 and 106(a) of the NGPA. Table III of § 271.102(c) contains the inflation adjustment factors. The maximum lawful prices and the inflation adjustment factors for the periods prior to February, 1987 are found in the tables in §§ 271.101 and 271.102.

List of Subjects in 18 CFR Part 271

Natural Gas.

Richard P. O'Neill,

Director, Office of Pipeline and Producer Regulation.

1. The authority citation for Part 271 continues to read as follows:

Authority: Department of Energy Organization Act, 42 U.S.C. 7101 et seq.; Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432; Administrative Procedure Act, 5 U.S.C. 553.

§ 271.101 [Amended]

2. Section 271.101(a) is amended by inserting the maximum lawful prices for February, March, and April, 1987 in Tables I and II.

TABLE I.—NATURAL GAS CEILING PRICES

[Other than NGPA §§ 104 and 106(a)]

Subpart of Part 271	NGPA section	Category of Gas	Maximum lawful price per MMBtu for deliveries in:		
			Feb. 1987	Mar. 1987	Apr. 1987
B	102	New Natural Gas, Certain OCS Gas[4]	$4.478	$4.497	$4.516
C	103(b)(1)	New Onshore Production Wells[5]	3.164	3.167	3.170
	103(b)(2)	New Onshore Production Wells[5]	3.821	3.832	3.843
E	105(b)(3)	Intrastate Existing Contracts	4.393	4.408	4.423
F	106(b)(1)(B)	Alternative Maximum Lawful Price for Certain Intrastate Rollover Gas[1]	1.810	1.812	1.814
G	107(c)(5)	Gas Produced from Tight Formations[3]	6.328	6.334	6.340
H	108	Stripper Gas	4.796	4.816	4.836
I	109	Not Otherwise covered	2.620	2.623	2.626

[1] Section 271.602(a) provides that for certain gas sold under an intrastate rollover contract the maximum lawful price is the higher of the price paid under the expired contract, adjusted for inflation or an alternative Maximum Lawful Price specified in this Table. This alternative Maximum Lawful Price for each month appears in this row of Table I. Commencing January 1, 1985, the price of some intrastate rollover gas is deregulated. (See Part 272 of the Commission's regulations.)

[3] The maximum lawful price for tight formation gas is the lesser of the negotiated contract price or 200% of the price specified in Subpart C of Part 271. The maximum lawful price for tight formation gas applies on or after July 16, 1979. (See § 271.703 and § 271.704.)

[4] Commencing January 1, 1985, the price of natural gas finally determined to be new natural gas under section 102(c) is deregulated. (See Part 272 of the Commission's regulations.)

[5] Commencing January 1, 1985, the price of some natural gas finally determined to be natural gas produced from a new, onshore production well under section 103 is deregulated. (See Part 272 of the Commission's regulations.)

TABLE II.—NATURAL GAS CEILING PRICES: NGPA §§ 104 AND 106(A)

[Subpart D, Part 271]

Category of Natural Gas and type of sale or contract	Maximum lawful price per MMBtu for deliveries made in:		
	Feb. 1987	Mar. 1987	Apr. 1987
Post-1974 gas[2]: All producers	$2.620	$2.623	$2.626
1973–1974 Biennium gas:			
Small producer	2.215	2.217	2.219
Large producer	1.692	1.694	1.696
Interstate Rollover gas: All producers	.974	.975	.976
Replacement contract gas or recompletion gas:			
Small producer	1.242	1.243	1.244
Large producer	.955	.956	.957
Flowing gas:			
Small producer	.630	.631	632
Large producer	.530	.531	.532
Certain Permian Basin gas:			
Small producer	.740	.741	.742
Large producer	.656	.657	.658
Certain Rocky Mountain gas:			
Small producer	.740	.741	.742

TABLE II.—NATURAL GAS CEILING PRICES: NGPA §§ 104 AND 106(A)—Continued

[Subpart D, Part 271]

Category of Natural Gas and type of sale or contract	Maximum lawful price per MMBtu for deliveries made in:		
	Feb. 1987	Mar. 1987	Apr. 1987
Large producer	.630	.631	.632
Certain Appalachian Basin gas:			
North subarea contracts dated after 10-7-69	.599	.600	.601
Other contracts	.554	.555	.556
Minimum rate gas[1]: All producers	.328	.328	.328

[1] Prices for minimum rate gas are expressed in terms of dollars per Mcf, rather than MMBtu.
[2] This price may also be applicable to other categories of gas. (See § 271.402, 271.602).

§ 271.402 [Amended]

3. Section 271.402(c) is amended by inserting the inflation adjustment for the months of February, March, and April, 1987.

TABLE III.—INFLATION ADJUSTMENT

Month of delivery 1987	Factor by which price in preceding month is multiplied
February	1.00099
March	1.00099
April	1.00099

[FR Doc. 87-1937 Filed 1-30-87; 8:45 am]

BILLING CODE 6717-01-M

18 CFR Part 282

[Docket No. RM79-14]

Incremental Pricing Regulations; Incremental Pricing Acquisition Cost Thresholds; Natural Gas Policy Act

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Order prescribing incremental pricing thresholds.

SUMMARY: The Director of the Office of Pipeline and Producer Regulation is issuing the incremental pricing acquisition cost thresholds prescribed by Title II of the Natural Gas Policy Act and 18 CFR 282.304. The Act requires the Commission to compute and publish the threshold prices before the beginning of each month for which the figures apply. Any cost of natural gas above the applicable threshold is considered to be an incremental gas cost subject to incremental pricing surcharging.

EFFECTIVE DATE: February 1, 1987.

FOR FURTHER INFORMATION CONTACT: Richard P. O'Neill, Federal Energy Regulatory Commission, 825 N. Capitol Street, NE., Washington, DC 20426 (202) 357-8500.

Order of the Director, OPPR

Issued: January 27, 1987.

Section 203 of the NGPA requires that the Commission compute and make available incremental pricing acquisition cost threshold prices prescribed in Title II before the beginning of any month for which such figures apply.

Pursuant to that mandate and pursuant to § 375.307(l) of the Commission's regulations, delegating the publication of such prices to the Director of the Office of Pipeline and Producer Regulation, the incremental pricing acquisition cost threshold prices for the month of February, 1987 are issued by the publication of a price table for the month. The incremental pricing acquisition cost threshold prices for months prior to those reflected on the table are found in § 282.304.

The incremental pricing thresholds for February, 1987 reflect a two-month lag adjustment described in the notice of the March 1, 1986 thresholds.

List of Subjects in 18 CFR Part 282

Natural gas.

Richard P. O'Neill,

Director, Office of Pipeline and Producer Regulation.

TABLE I.—INCREMENTAL PRICING ACQUISITION COST THRESHOLD PRICES

	Calendar Year 1986—												Calendar Year 1987—	
	January	February	March	April	May	June	July	August	September	October	November	December	January	February
Incremental Pricing Threshold	$2.460	$2.467	$2.474	$2.481	$2.487	$2.493	$2.499	$2.504	$2.509	$2.514	$2.522	$2.530	$2.538	$2.541
NGPA section 102 Threshold	4.166	4.191	4.216	4.241	4.264	4.287	4.310	4.332	4.354	4.376	4.403	4.431	4.459	4.478
NGPA section 109 Threshold	2.539	2.546	2.553	2.560	2.566	2.572	2.578	2.583	2.588	2.593	2.601	2.609	2.617	2.620
130% of No. 2 Fuel Oil in New York City Threshold	7.370	7.930	5.040	5.290	4.680	3.980	3.800	3.190	3.310	4.020	3.320	3.240	4.09	4.660

[FR Doc. 87-1938 Filed 1-30-87; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Part 344

Demand Deposit Treasury Certificates of Indebtedness; State and Local Government Series; Average Marginal Tax Rates

AGENCY: Fiscal Service, Bureau of the Public Debt, Treasury.

ACTION: Notice of estimated average marginal tax rate and Treasury Administrative costs for Demand Deposit United States Treasury Certificates of Indebtedness—State and Local Government Series.

SUMMARY: This notice is being published to provide the information necessary to apply the interest rate formula for Demand Deposit United States Treasury Certificates of Indebtedness—State and Local Government Series. The interim regulations governing securities of the State and Local Government Series which appeared in the **Federal Register** of December 31, 1986, (51 FR 47400), in setting out the formula, made provision for such publication. The factor necessary to convert the interest rate to a tax-exempt equivalent (1—the average marginal tax rate of purchasers of short-term tax-exempt bonds) is estimated to be .69, as of February 1, 1987. The Treasury's administrative costs have been estimated to be 50 basis points (.5 percent).

EFFECTIVE DATE: February 1, 1987.

FOR FURTHER INFORMATION CONTACT: Sandy Dyson, Attorney-Adviser, (202) 376–4320, or Margaret Marquette, Attorney-Adviser, (202) 447–9859.

SUPPLEMENTARY INFORMATION: The Department of the Treasury, under authority of Chapter 31 of Title 31, United States Code, and pursuant to the Tax Reform Act of 1986, Pub. L. 99–514, is offering a demand deposit United States Treasury Certificate of Indebtedness—State and Local Government Series. This security, available to eligible investors on and after February 2, 1987, will be a one-day certificate of indebtedness, issued in an amount of $1000 or any higher dollar amount, with interest accrued and added to the principal daily. In publishing the interim regulations on December 31, 1986, provision was made to provide by notice the information necessary to apply the interest rate formula to the new demand deposit certificate, *i.e.*, the weekly Federal Funds rate less ¼ of one percent per annum, multiplied by one minus the estimated average marginal tax rate ("1–MTR") of purchasers of short-term tax-exempt bonds, less Treasury administrative costs. As of February 1, 1987, the factor "1–MTR" is .69. The administrative costs have been determined to be 50 basis points (.5 percent). Both the estimated "1–MTR" and the administrative costs are subject to redetermination by the Department of the Treasury; any future changes thereof will be published by notice in the **Federal Register.**

Richard L. Gregg,

Acting Commissioner.

January 29, 1987.

[FR Doc. 87–2074 Filed 1–30–87; 8:45 am]

BILLING CODE 4810–35–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A–4–FRL–3148–3; KY–032]

Approval and Promulgation of Implementation Plans; Revisions to the Carbon Monoxide and Ozone Plans for Jefferson County, KY

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: On February 18, 1986, the Kentucky Natural Resources and Environmental Protection Cabinet submitted minor revisions to the Jefferson County carbon monoxide (CO) and ozone State Implementation Plans (SIPs). These consisted of revisions to Regulation 8 of the Air Pollution Control District of Jefferson County's rules, which cover the District's Vehicle Exhaust Testing (VET) program and miscellaneous revisions to the program operating procedures. These revisions were intended by the District to improve the administration and effectiveness of the program. Because they represent only minor changes to, and are consistent with, the VET rules already approved by EPA as part of the CO and ozone SIPs for Jefferson County, EPA approves these revisions.

DATE: This action is effective April 3, 1987 unless notice is received within 30 days that adverse or critical comments will be submitted.

ADDRESSES: Copies of Kentucky's submittal can be obtained from:

Thomas P. Lyttle, Air Programs Branch, EPA, Region 4, 345 Courtland Street, Atlanta, Georgia 30365

Kentucky Division of Air Pollution Control, 18 Reilly Road, Frankfort, Kentucky 40601

Copies may also be examined at the following locations: Public Information Reference Unit, Library System Branch, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

The Office of the Federal Register, 1100 L Street, NW., Room 8301, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Thomas P. Lyttle, (404) 347–2864 or FTS 257–2864.

SUPPLEMENTARY INFORMATION: On October 9, 1984 (49 FR 39547), EPA approved the 1982 CO and ozone SIP revisions for Jefferson County. As part of the control strategy in the SIPs, the District adopted Regulation 8, which provided for the VET program. The program has been in operation since January 2, 1984. Based on EPA's audit of the program in March 1986, the Agency has found that the program is operating effectively and is producing the emissions reductions expected as part of the SIP control strategy. The District has made various minor changes to the original Regulation 8 to enhance its effectiveness and to respond to a few minor problems that have arisen during operation of the program. The changes to the regulation include: (1) Slight changes to the emission standards for 1980 and earlier vehicles, designed to maintain the design 20% failure rate for such vehicles and to assure that the failure rates would be equal for each model year; (2) an exemption for vehicles which are registered as 6,000 pound vehicles, but are in fact over 18,000 pounds (the normal weight exemption for the program); Kentucky law allows wreckers to be registered as 6,000 lb. vehicles regardless of their actual weight; and (3) simplification of the enforcement process, eliminating the requirement for a Notice of Violation (NOV) to vehicle owners who did not have their vehicles tested. This NOV was merely a warning that continued noncompliance would result in a summons to court. The actual enforcement actions (summons and court hearings) remain unchanged. These changes are minor and are consistent with the original design of the program as approved by EPA. The changes in standards, in most cases, are to require a tighter standard and the change in enforcement may allow slightly more expeditious enforcement action. Therefore, the changes in the regulation will serve to enhance the emission reductions from the program.

In addition to changes in Regulation 8, Kentucky also provided information on additional activities which have been undertaken by the District to enhance the program. These include: (1) A voluntary testing program for out-of-county residents who operate their vehicles in Jefferson County, (2) preparation of an informational pamphlet on smoking vehicles and, (3) changes in the information collected from repair shops to better assess the repairs being performed and their effects on the program's waiver rate. Although this level of detail on program operation was not required by EPA as part of the original SIP, EPA believes that these changes will enhance the effectiveness of the program and concurs with their implementation.

EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. This action will be effective 60 days from the date of this **Federal Register** unless, within 30 days of its publication, notice is received that adverse or critical comments will be submitted.

If such notice is received, the action will be withdrawn before the effective date by publishing two subsequent notices. One will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period. If no such comments are received, the public is advised that this action will be effective April 3, 1987.

Final Action: EPA today approves as part of the Jefferson County CO and ozone SIPs, the revisions submitted by Kentucky on February 18, 1986. This action is being taken because these revisions are only minor changes to the SIPs already approved by EPA, are consistent with and improvements to the approved SIP, and meet the requirements of the Clean Air Act and EPA policy.

Under 5 U.S.C. 605(b), I certify that this SIP revision will not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 3, 1987. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Carbon monoxide, Hydrocarbon, Incorporation by reference.

Note.—Incorportation by reference of the State Implementation Plan for the Commonwealth of Kentucky was approved by the Director of the Federal Register on July 1, 1982.

Dated: January 27, 1987.

Lee M. Thomas,

Administrator.

PART 52—[AMENDED]

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7642.

Subpart S—Kentucky

2. Section 52.920 is amended by adding paragraph (c)(48) as follows:

§ 52.920 Identification of plan.

* * * * *

(c) * * *

(48) Revisions to the I/M portions of the carbon monoxide and ozone Part D plans for Jefferson County, submitted by the Kentucky Natural Resources and Environmental Protection Cabinet on February 18, 1986.

(i) Incorporation by reference.

(A) A revised Regulation 8, Vehicle Exhaust Testing Requirements of the rules of the Air Pollution Control District of Jefferson County which was adopted on September 18, 1985.

(ii) Other materials—none.

[FR Doc. 87–1959 Filed 1–30–87; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Part 52

[A–1–FRL–3148–4]

Approval and Promulgation of Implementation Plans; Maine; Adoption of Federal Test Methods

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the State of Maine. This revision involves a change to a SIP regulation previously approved by EPA involving Petroleum Liquids Transfer Vapor Recovery. This regulatory revision incorporates federal test methods and compliance procedures. The intent of this action is to approve a SIP revision request submitted by the State of Maine in accordance with section 110 of the Clean Air Act.

EFFECTIVE DATE: Ths action will be effective April 3, 1987 unless notice is received within 30 days that adverse or critical comments will be submitted.

ADDRESSES: Comments may be mailed to Louis F. Gitto, Director, Air Management Division, Room 2312, JFK Federal Building, Boston, MA 02203. Copies of the submittal and EPA's evaluation are available for public inspection during normal business hours at the Environmental Protection Agency, Room 2312, JFK Federal Bldg., Boston, MA 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; Office of the Federal Register, 1100 L St., NW., Room 8301, Washington, DC; and the Department of Environmental Protection, Bureau of Air Quality Control, State House, Station No. 17, Augusta, ME 04333.

FOR FURTHER INFORMATION CONTACT: Lorenzo Thantu (617) 565–3250; FTS 835–3250.

SUPPLEMENTARY INFORMATION: On August 4, 1986, the Maine Department of Environmental Protection (DEP) submitted a revision to its SIP. This revision includes an amendment to a SIP regulation previously approved by EPA, Chapter 112, Petroleum Liquids Transfer Vapor Recovery.

EPA promulgated test methods and procedures at 40 CFR Part 60, Subpart XX, § 60.503 on August 18, 1983 (48 FR 37578) and December 22, 1983 (48 FR 56580) to determine compliance with volatile organic compound (VOC) emission limits applicable to bulk gasoline terminals. Maine has revised Chapter 112, Petroleum Liquids Transfer Vapor Recovery, to incorporate these federal test methods and procedures.

EPA is approving this SIP revision without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. This action will be effective 60 days from the date of this **Federal Register** unless, within 30 days of its publication, notice is received that adverse or critical comments will be submitted. If such notice is received, this action will be withdrawn before the effective date by publishing two subsequent notices. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period. If no such comments are received, the public is advised that this action will be effective April 3, 1987.

Final Action

EPA is approving a SIP revision submitted by the Maine DEP on August 4, 1986. This revision amends Maine regulation Chapter 112, Petroleum Liquids Transfer Vapor Recovery, to incorporate test methods and procedures as stated in 40 CFR Part 60, Subpart XX—Standard of Performance for Bulk Gasoline Terminals, § 60.503.

Under 5 U.S.C. 605(b), I certify that this SIP revision will not have a significant economic impact on a substantial number of small entities (see 46 FR 8709).

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 3, 1987. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations, Reporting and Recordkeeping requirements.

Note.—Incorporation by reference of the State Implementation Plan for the State of Maine was approved by the Director of the Federal Register on July 1, 1982.

Dated: January 27, 1987.

Lee M. Thomas,

Administrator.

PART 52—[AMENDED]

Part 52 of Chapter I, Title 40, Code of Federal Regulations is amended as follows:

Subpart U—Maine

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7642.

2. Section 52.1020 is amended by adding paragraph (c)(22) as follows:

§ 52.1020 Identification of plan

* * * * *

(c) * * *

(22) Revision to federally-approved regulation Chapter 112, Petroleum Liquids Transfer Vapor Recovery [originally approved on February 19, 1980, see paragraph (c)(11), above], was submitted on August 4, 1986, by the Department of Environmental Protection.

(i) Incorporation by reference:

(A) Regulation Chapter 112(6), Emission Testing, is amended by incorporating test methods and procedures as stated in 40 CFR Part 60, Subpart XX, § 60.503 to determine compliance with emission standards for volatile organic compound emissions from bulk gasoline terminals. This revision to Regulation Chapter 112(6) became effective on July 22, 1986 in the State of Maine.

(ii) Additional Materials:

The nonregulatory portions of the state submittals.

3. Section 52.1031 is amended by adding the following line under entry "112" of the table to read as follows:

§ 52.1031 EPA-Approved Maine regulations.

* * * * *

TABLE 52.1031—EPA-APPROVED RULES AND REGULATIONS

State citation	Title/subject	Date adopted by State	Date approved by EPA	Federal Register Citation	52.1020
112	Petroleum Liquids Transfer Recovery.	7/22/86	2/2/87	52 FR 3117	(c)(22) Bulk Gasoline Terminal Test methods.

[FR Doc. 1960 Filed 1–30–87; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 52

[A-1-FRL-3147-9]

Approval and Promulgation of Implementation Plans; New Hampshire; Incorporation of Permits for Dartmouth College

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving State Implementation Plan (SIP) revisions submitted by the State of New Hampshire. These revisions include permits to restrict the sulfur dioxide (SO_2) emissions from Dartmouth College in Hanover by further limiting boiler operation from earlier SIP levels, in conjunction with the installation of a new boiler. This tightening of operating parameters is necessary due to recent increases in ambient SO_2 levels in the vicinity of Dartmouth College. The intended effect of this revision is to federally approve the requirements on this source imposed by the State.

EFFECTIVE DATE: This action will be effective April 3, 1987, unless notice is received on or before March 4, 1987, that adverse or critical comments will be submitted.

ADDRESSES: Comments may be mailed to Louis F. Gitto, Director, Air Management Division, Room 2311, JFK Federal Building, Boston, MA 02203. Copies of the submittal and EPA's evaluation are available for public inspection during normal business hours at the Environmental Protection Agency, Room 2311, JFK Federal Bldg., Boston, MA 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M St., SW., Washington, DC; and the New Hampshire Air Resources Agency, Health and Welfare Building, Hazen Drive, Concord, New Hampshire 03301.

FOR FURTHER INFORMATION CONTACT: Fred Weeks (617) 565–3232; FTS 835–3232.

SUPPLEMENTARY INFORMATION: On May 19, 1986, the Director of the New Hampshire Air Resources Agency (NHARA) submitted revisions to its State Implementation Plan (SIP). These revisions further restrict emissions from the oil-fired boilers utilizing No. 6 fuel oil at Dartmouth College in Hanover, NH. Dartmouth College is replacing its oldest boiler with a new one, and more stringent operating conditions are being imposed on all the remaining existing boilers at the college to maintain attainment of the National Ambient Air Quality Standards (NAAQS) for SO_2.

Background

On November 8, 1983, New Hampshire submitted a SIP revision to allow the burning of No. 6 fuel oil with a 2% sulfur content by weight at five sources in the state, including Dartmouth College. Dartmouth College was required to limit its operation to 95% of its maximum rated capacity. On August 7, 1984, EPA published approval of this SIP revision (49 FR 31415).

On May 19, 1986 the NHARA submitted a source specific SIP revision for Dartmouth College imposing more stringent operating conditions on the existing boilers than those approved in EPA's August 7, 1984 action. Those conditions are imposed in permits for each of the four boilers, enforceable by the State of New Hampshire, issued to

Dartmouth College on January 6, 1986 by the NHARA. The conditions of those permits limit the operation of the source to 83% of its maximum rated capacity. The technical support, included in the SIP revision submitted on May 19, 1986, and supplemented by EPA analysis, consists of air quality modeling to determine the impact of SO_2 emissions from Dartmouth College's four oil boilers. That modeling demonstrates that the NAAQS for SO_2 will not be violated if the operating conditions contained in the permits, referenced above, are applied. The technical support also demonstrates that this revision will not cause any deterioration of air quality or interfere with the attainment or maintenance of the NAAQS in any other State, since this action results in a reduction in emissions.

EPA has reviewed NHARA's technical support and has determined that the modeling procedures are correct and approvable. For more details on EPA's review, see the technical support document available at the locations listed in the **ADDRESSES** section of this notice.

Final Action

EPA is approving this SIP revision, consisting of four permits submitted by the State on May 19, 1986, to further restrict the operation of the oil-fired boilers at Dartmouth College, in Hanover.

EPA is approving this SIP revision without prior proposal because the Agency views this as a noncontroversial revision and anticipates no adverse comments. This action will be effective April 3, 1987 unless, within 30 days of its publication, notice is received that adverse or critical comments will be submitted. If such notice is received, this action will be withdrawn before the effective date by publishing two subsequent notices. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period. If no such comments are received, the public is advised that this action will be effective April 3, 1987.

Under 5 U.S.C. 605(b), I certify that this SIP revision will not have a significant economic impact on a substantial number of small entities (see 46 FR 8709).

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 3, 1987. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

List of Subjects in 40 CFR Part 52

Air pollution control, Sulfur oxides, Incorporation by reference.

Note.—Incorporation by reference of the State Implementation Plan for the State of New Hampshire was approved by the Director of the Federal Register on July 1, 1982.

Dated: January 27, 1987.

Lee M. Thomas,

Administrator.

PART 52—[AMENDED]

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart EE—New Hampshire

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7642.

2. Section 52.1520, is amended by adding paragraph (c)(35) as follows:

§ 52.1520 Identification of plan.

(c) * * *

(35) A revision to approve operating limits for boilers at Dartmouth College, submitted on May 19, 1986 by the Director of the New Hampshire Air Resources Agency.

(i) *Incorporation by reference.* (A) Permits to Operate issued by the State of New Hampshire Air Resources Agency to Dartmouth College, No. PO–B–1501.5, No. PO–B–1502.5, and No. PO–B–1503.5, and Temporary Permit TP–B–150.2, 3, and 4, dated January 6, 1986.

3. Section 52.1523 is amended by adding the following entry to the table to read as follows:

§ 52.1525 EPA-approved New Hampshire State regulations.

* * * * *

Title/subject	State citation chapter	Date adopted by State	Date approved by EPA	Federal Register citation	Section 52.1520	Comments
*	* * *	*	*	*	*	
Sulfur content limit in fuels	CH air 400	4/17/86	2/2/87	52 FR 3118	(c) 35	Revision for Dartmouth College.
*	* * *	*		*	*	

[FR Doc. 87–1961 Filed 1–30–87; 8:45 am]

BILLING CODE 6560–50–M

Proposed Rules

Federal Register
Vol. 52, No. 21
Monday, February 2, 1987

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 900

Proposed Procedure for the Conduct of Referenda in Connection with Marketing Orders for Eggs and Spent Fowl

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Agricultural Marketing Agreement Act of 1937, as amended, authorizes the development of marketing agreements and orders for eggs, spent fowl, and their products. A recommended decision has been issued concerning an egg marketing order which would authorize programs and projects relating to research, consumer education, advertising, promotion, and product development. To become effective, however, the order must be approved by egg producers voting in a referendum. This rule proposes procedures for the conduct of referenda.

DATE: Comments due by March 4, 1987.

ADDRESS: Comments should be sent to: Janice L. Lockard, Poultry Division, Agricultural Marketing Service, United States Department of Agriculture, Room 3949–S, Washington, DC 20250.

Comments concerning the information collection, and recordkeeping requirements contained in this subpart should be addressed to: Marina Gatti, Desk Officer for the Agricultural Marketing Service, USDA, Office of Management and Budget (OMB), Room 3228, New Executive Office Building, Washington DC 20503.

FOR FURTHER INFORMATION CONTACT: Janice L. Lockard, (202) 382–8132.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed under USDA guidelines implementing Executive Order 12291 and Department Regulation 1512–1 and has been designated a "non-major" rule under criteria contained therein. Pursuant to requirements set forth in the Regulatory Flexibility Act, the Administrator of the Agricultural Marketing Service has determined that this action will not have a significant economic impact on a substantial number of small entities because it involves only procedures to conduct referenda. The proposed procedures would involve the voluntary participation of egg producers owning 10,000 or more laying hens, but only to the extent of the act of voting.

The Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), authorizes the development of marketing agreements and marketing orders for eggs, spent fowl, and products thereof. A public hearing was held on a proposed marketing order for eggs, spent fowl, and their products in January-March 1986. Based on the record of the hearing, a recommended decision was issued (51 FR 37822) concerning a proposed research and promotion order.

The period for filing comments on the recommended decision ended on December 23, 1986. A final decision will be issued after consideration of the written exceptions and comments received. If the decision is to issue an order, the Act requires that a referendum be held to determine whether affected producers approve or favor such order. Therefore, it is necessary to establish procedures to be followed in conducting the initial referendum as well as any subsequent referenda. Such procedures are necessary to meet the requirements of the Act and are similar to procedures established for other marketing order referenda.

The proposed provisions include sections on definitions, voting, instructions for the referendum agents, the duties of subagents, ballots, the referendum report, and the confidentiality of information.

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35) the reporting provisions that are included in this proposed rule will be submitted for approval to the Office of Management and Budget (OMB). They will not become effective prior to OMB approval. Comments regarding these provisions may be submitted to OMB.

List of Subjects in 7 CFR Part 900

Marketing agreement, Eggs.

For the reasons set forth in the preamble, it is proposed that Title 7, Chapter IX, Part 900 of the Code of Federal Regulations is amended as follows:

1. The authority citation for proposed 7 CFR Part 900, Subpart—Procedure for the Conduct of Referenda in Connection with Marketing Orders for Eggs and Spent Fowl Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended, consisting of §§ 900.700 through 900.707 reads as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–694).

2. Subpart—Procedures for the Conduct of Referenda in Connection with Marketing Orders for Eggs and Spent Fowl Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended, is added to Part 900 to read as follows:

PART 900—GENERAL REGULATIONS

Subpart—Procedure for the Conduct of Referenda in Connection with Marketing Orders for Eggs and Spent Fowl Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended

Sec.

900.700 General.
900.701 Definitions.
900.702 Voting.
900.703 Instructions.
900.704 Subagents.
900.705 Ballots.
900.706 Referendum report.
900.707 Confidential information.

Subpart—Procedure for the Conduct of Referenda in Connection with Marketing Orders for Eggs and Spent Fowl Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended

§ 900.700 General.

Referenda to determine whether eligible producers favor the issuance, continuance, or termination of a marketing order on eggs and spent fowl, and products thereof, unless supplemented or modified by the Secretary, shall be conducted in accordance with this subpart.

§ 900.701 Definitions.

(a) "Act" means Public Act No. 10, 73d Congress (May 11, 1933), as amended and reenacted and amended by the Agricultural Marketing Agreement Act

of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended, 7 U.S.C. 601 *et seq.*).

(b) "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the Department of Agriculture who has been delegated or who may hereafter be delegated the authority to act for the Secretary.

(c) "Administrator" means the Administrator of the Agricultural Marketing Service, or any other officer or employee of the Department of Agriculture who has been delegated or who may hereafter be delegated the authority to act for this Administrator.

(d) "Order" means the marketing order (including an amendatory order) with respect to which the Secretary has directed that a referendum be conducted.

(e) "Referendum agent" means the individual or individuals designated by the Secretary to conduct the referendum.

(f) "Representative period" means the period designated by the Secretary pursuant to section 8c of the Act (7 U.S.C. 608c).

(g) "Person" means any individual, partnership, corporation, association, or any other business unit.

(h) "Producer" means any person, who is engaged in the production of commercial eggs and who owns 10,000 or more laying hens. For the purpose of this definition, the term producer includes (1) an egg farmer who acquires and owns laying hens, chicks, and/or started pullets for the purpose of and is engaged in the production of commercial eggs; or (2) a person who supplies laying hens, chicks, and/or started pullets to an egg farmer for the purpose of producing commercial eggs pursuant to a contractual agreement for the production of commercial eggs. Such person is deemed to be the owner of such laying hens unless it is established in writing to the satisfaction of the Secretary that actual ownership of the laying hens is in some other party to the contract or other person.

§ 900.702 Voting.

(a) Each person who is a producer, as defined in this subpart, at the time of the referendum, and who was a producer during the representative period shall be entitled to only one vote in the referendum.

(b) Proxy voting is not authorized, but an officer or employee of a corporate producer, or an administrator, executor, or trustee of a producing estate, or an authorized representative of any other business unit may cast a ballot on behalf of such producer or estate. Any individual so voting in a referendum shall certify that he or she is an officer or employee of the corporate producer, or an administrator, executor, or trustee of the producing estate, or an authorized representative of such other business unit and that he or she has the authority to take such action. Upon request of the referendum agent, such individual shall submit adequate evidence of his or her authority.

(c) Each producer entitled to vote in a referendum shall be entitled to cast only one ballot in the referendum.

§ 900.703 Instructions.

The referendum agent shall conduct the referendum, in the manner herein provided, under supervision of the Administrator. The Administrator may prescribe additional instructions, not inconsistent with the provisions hereof, to govern the procedure to be followed by the referendum agent. Such agent shall:

(a) Determine the time of commencement and termination of the period of the referendum, and the time when all ballots must be received by the referendum agent.

(b) Determine whether ballots may be cast by mail, at polling places, at meetings of producers, or by any combination of the foregoing.

(c) Provide ballots and related material to be used in the referendum. Ballot material shall provide for recording essential information for ascertaining (1) whether the person voting, or on whose behalf the vote is cast, is an eligible voter, and (2) the total volume of commercial eggs produced by each voter during the representative period.

(d) Give reasonable advance notice of the referendum (1) by utilizing without advertising expense, available media of public information (including, but not limited to, press and radio facilities) serving the production area, announcing the dates, places, and method(s) of voting, eligibility requirements, and other pertinent information, and (2) by such other means as said agent may deem advisable.

(e) Make available to producers instructions on voting, appropriate registration, ballot, and certification forms, and except in the case of a referendum on the termination or continuance of an order, the text of the proposed order and a summary of its terms and conditions: *Provided,* That no person who claims to be qualified to vote shall be refused a ballot.

(f) If the ballots are to be cast by mail, cause all the material specified in paragraph (e) of this section to be mailed to each producer whose name and address are known to the referendum agent.

(g) If the ballots are to be cast at polling places or meetings, determine the necessary number of polling or meeting places, designate them, announce the time of each meeting or the hours during which each polling place will be open, provide the material specified in paragraph (e) of this section, and provide for appropriate custody of ballot forms and delivery to the referendum agent of ballots cast.

(h) At the conclusion of the referendum, canvass the ballots, tabulate the results, and except as otherwise directed, report the outcome to the Administrator and promptly thereafter submit the following:

(1) All ballots received by the agent and appointees, together with a certificate to the effect that the ballots listed are all of the ballots cast and received by the agent and appointees during the referendum period;

(2) A tabulation of all challenged ballots deemed to be invalid; and

(3) A tabulation of the results of the referendum and a report of the referendum including a detailed statement explaining the method used in giving publicity to the referendum and showing other information pertinent to the manner in which the referendum was conducted.

§ 900.704 Subagents.

The referendum agent may appoint any person or persons deemed necessary or desirable to assist said agent in performing his or her functions hereunder. Each person so appointed may be authorized by said agent to perform, in accordance with the requirements herein set forth, any or all of the following functions (which, in the absence of such appointment, shall be performed by said agent):

(a) Give public notice of the referendum in the manner specified herein;

(b) Preside at a meeting where ballots are to be cast or as poll officer at a polling place;

(c) Provide for the distribution of the ballots and the aforesaid texts to producers and receive any ballots which are cast; and

(d) Record the name and address of each person receiving a ballot from, or casting a ballot with said subagent and inquire, as deemed appropriate, into the eligibility of such persons to vote in the referendum.

§ 900.705 Ballots.

The referendum agent and his or her appointees shall accept all ballots cast; but should they, or any of them, deem that a ballot should be challenged for

any reason, said agent or appointee shall sign a statement on said ballot to the effect that such ballot was challenged, by whom challenged, the reasons therefor, the results of any investigations made with respect thereto, and the disposition thereof. Invalid ballots shall not be counted.

§ 900.706 Referendum report.

Except as otherwise directed, the Administrator shall prepare and submit to the Secretary a report on results of the referendum, the manner in which it was conducted, the extent and kind of public notice given, and other information pertinent to analysis of the referendum and its results.

§ 900.707 Confidential information.

The ballots cast and the contents thereof whether or not relating to the identity of any person who voted or the manner in which any person voted and all information furnished to, compiled by, or in the possession of the referendum agent shall be regarded as confidential.

Signed in Washington, DC, on January 28, 1987.

William T. Manley,

Deputy Administrator, Marketing Programs.

[FR Doc. 87-2005 Filed 1-30-87; 8:45 am]

BILLING CODE 3410-02-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

[Docket No PRM-50-41]

Public Citizen; Denial of Petition for Rulemaking

AGENCY: Nuclear Regulatory Commission.

ACTION: Denial of petition for rulemaking.

SUMMARY: The Nuclear Regulatory Commission (NRC) is denying a petition for rulemaking filed on behalf of Public Citizen by Eric Glitzenstein, Attorney for Public Citizen, and Ken Bossong, Director, Critical Mass Energy Project (Petitioner). The Petitioner requests that, to comply with the mandate of section 306 of the Nuclear Waste Policy Act of 1982 (the NRC Training Authorization Section), NRC adopt specific regulations or other regulatory guidance setting forth detailed requirements for training and fitness for duty of nuclear power plant personnel. NRC is denying the petition, among other reasons, because it has determined that the statute does not cover fitness for duty and, with respect to training, that it provides NRC with flexibility to issue the regulatory guidance in the form of a policy statement.

ADDRESSES: Copies of the petition, public comments, and NRC's denial letter are available for public inspection or copying for a fee at NRC's Public Document Room, 1717 H. Street, NW., Washington, DC 20555.

FOR FURTHER INFORMATION CONTACT: Thomas F. Dorian, Esq., Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555; telephone: (301) 492-8690.

SUPPLEMENTARY INFORMATION: The Commission is concerned that the Petitioner's assertions could cause misunderstandings about the Commission's policy statements on fitness for duty and on training and wishes to use this opportunity to clarify any misconceptions. The Commission will provide in full the Petitioner's arguments, the arguments of the opponents of the petition, and its own determination so that all of the arguments are presented clearly and in order that the two policy statements and their backgrounds can be better understood.

The Petition

The Petitioner believes that NRC has failed to fulfill its statutory obligations under section 306 of the Nuclear Waste Policy Act of 1982 (NWPA) (the NRC Training Authorization Section), 42 U.S.C. 10226, 19 Stat. 2201 at 2262-2263, Pub. L. 97-425, and that the statutory deadline for compliance has long since passed. The Petitioner contends that this failure results in increased danger to the health and safety of the public from inadequately trained nuclear power plant personnel. It urges NRC to adopt specific regulations or other regulatory guidance setting forth detailed requirements for training and fitness for duty of nuclear power plant personnel.

Basis for the Petition

The Petitioner bases its petition on the statutory mandate of Section 306 of the NWPA which requires various NRC actions by January 7, 1984, as follows:

Sec. 306. Nuclear Regulatory Commission Training Authorization. The Nuclear Regulatory Commission is authorized and directed to promulgate regulations, or other appropriate Commission regulatory guidance, for the training and qualifications of civilian nuclear powerplant operators, supervisors, technicians and other appropriate operating personnel. Such regulations or guidance shall establish simulator training requirements for applicants for civilian nuclear power-plant operator licenses and for operator requalification programs, requirements governing NRC administration of requalification examinations; requirements for operating tests at civilian nuclear powerplant simulators, and instructional requirements for civilian nuclear power-plant licensee personnel training programs. Such regulations or other regulatory guidance shall be promulgated by the Commission within the 12-month period following enactment of this Act, and the Commission within the 12-month period following enactment of this Act shall submit a report to Congress setting forth the actions the Commission has taken with respect to fulfilling its obligations under this section.

The Petitioner contends that the Commission's March 20, 1985, Policy Statement on "Training and Qualification of Nuclear Power Plant Personnel" (50 FR 11147) and its then proposed, now final, Policy Statement on "Fitness for Duty of Power Plant Personnel" (51 FR 27921, August 4, 1986) are legally insufficient to fulfill NRC's obligations under section 306.

With respect to fitness for duty (on which NRC had not published a final policy statement when it docketed the petition on April 17, 1986), the Petitioner states "that the NRC has totally abandoned its responsibilities under section 306."

The Petitioner argues that the Commission's Training and Qualification Policy Statement does not comply with the statute in three ways. First, it asserts that the Policy Statement gives five elements of an acceptable training program that are vague and general and fail to set forth any specific standards against which compliance can be measured or enforced. Further, the Petitioner contends that because these five elements do not outline "requirements for personnel training programs" they do not comport with Congress' intent in enacting section 306.

Second, the Petitioner insists that NRC's endorsement of the Institute for Nuclear Power Operations' (INPO) accreditation programs, instead of NRC's promulgation of its own training requirements, does not comply with the statute. The Petitioner mentions in this context Senator Weicker's statement that notes " . . . the shortcomings of relying only upon INPO or other existing institutions." *See* Cong. Rec. S15643 (Dec. 20, 1982). The Petitioner also contends that NRC's endorsement of INPO's accreditation program sacrifices public participation in the development of regulations or regulatory guidance and public access to documents reflecting licensees' implementation of these requirements.

Finally, the Petitioner argues that the Training and Qualification Policy Statement does not allow for adequate monitoring of the effectiveness of a

Training program because (1) the five elements are vague and do not provide adequate standards against which to measure an individual licensee's progress or to evaluate the effectiveness of INPO's program as a whole; (2) it provides only for NRC monitoring of licensees that achieve INPO accreditation and does not provide for NRC monitoring of licensees with the most severe training problems; and (3) NRC has not retained authority to ensure prospectively that each licensee implements adequate training programs and that all achieve accreditation within a specific time.

Public Comments on the Petition and NRC Responses

NRC published in the **Federal Register** on May 12, 1986 (51 FR 17361), a notice that the petition for rulemaking had been filed. Interested persons were invited to submit written comments or suggestions about the petition by July 11, 1986. NRC received 21 comments in response to the notice, 20 from utilities and their various representative organizations opposing the petition and a short letter from another group supporting it. The latter organization states in essence that it is concerned that NRC monitors only licensees with INPO accreditation and not those with the most severe training problems.

Fitness for Duty

With respect to fitness for duty, many of the opponents of the petition point to the words and legislative history of section 306, stating that neither mentions policies for administration of fitness for duty programs or broader, more generic continuing observation programs. Several commenters indicate that the Petitioner is incorrect in stating that the Commission has abandoned its responsibilities in this area and say that apparently the Petitioner is unaware of NRC's ongoing efforts which provide guidance and direction to utilities with nuclear power programs and make rulemaking unnecessary.

The commenters note that the Commission approved a fitness for duty policy statement on June 25, 1986 (51 FR 27921, August 4, 1986) and that NRC guidance on this issue has existed for many years. They disclose that the Nuclear Utility Management and Resources Committee (NUMARC), an organization composed of the top officers of all utilities with nuclear power plants, proposed to NRC during the summer of 1984 a two-year trial period for the development and implementation of fitness for duty guidelines at all of their plants, to be evaluated by INPO. They indicate that in October 1984 NRC began working with the industry to evaluate this proposal and that all nuclear power reactor licensees committed to review and upgrade their programs, as necessary. Further, the industry, acting on its initiative, instituted routine INPO evaluations of each utility's implementation of a fitness for duty program. The commenters stress that in developing its program, each utility has used the guidelines of the Edison Electric Institute, "EEI Guide to Effective Drug and Alcohol/Fitness for Duty Policy Development," described in the Policy Statement and that NUMARC and INPO have kept the Commission apprised of the ongoing INPO evaluations in public briefings.

Training and Qualifications

The comments on the Petitioner's three basic contentions are provided below.

First Contention

With respect to the Petitioner's first contention that the Policy Statement provides only five vague and general elements of an acceptable training program and fails to set forth any specific standards with which compliance can be measured, monitored, and enforced, most of the commenters point out that the five elements are based upon detailed accreditation criteria developed by INPO and reviewed by NRC. They argue that the Policy Statement provides the necessary NRC guidance for the industry to implement acceptable training programs while allowing sufficient flexibility to bring about self-improvements in nuclear training programs and personnel qualifications.

One commenter notes that section 306 does not specify the degree of detail that the regulation or regulatory guidance must contain or require that detailed acceptance criteria be included. It argues, therefore, that the Petitioner's contention that the Policy Statement is vague, general, and lacks specific standards and requirements is a "subjective opinion" and is not a basis for measuring the Policy Statement against the statute.

Another commenter notes that the Policy Statement was formally issued more than a year before the petition was filed. During this period, the industry has relied heavily on the Policy Statement and has dedicated time and resources to comply with its intent; the same period in which the Petitioner apparently did nothing to challenge the NRC's decision.

The commenters generally contend that the Policy Statement and NRC's own extensive involvement in related matters, such as licensed operator requalification examinations and routine training inspections, provide for a thorough NRC overview of training and accreditation processes. This overview includes, among other things listed in the Policy Statement, (1) NRC observation of site visits by an INPO accrediting team; (2) NRC nomination of members to the National Nuclear Accrediting Board (this board, which is composed of members from the academic community and the nuclear and other industries, awards or defers accreditation of individual utility training programs); (3) periodic accompaniment of INPO on selected plant evaluation visits; (4) NRC post-accreditation audits at utilities, in accordance with NUREG–1220, "Training Review Criteria and Procedures," July 1986, to ensure that the accreditation process is effective (the criteria are identical to the five elements in the Policy Statement and the procedures describe the systematic review process to ensure the effectiveness of each element); (5) periodic training inspections by NRC's five Regions; and (6) a training summary evaluation included as part of the NRC Systematic Assessment Report of Licensee Performance (SALP). They suggest that such close NRC monitoring indicates that the Commission is not simply endorsing INPO's accreditation programs as claimed by the Petitioner. These commenters also note that improvements obtained thus far in utility training programs provide evidence that the intent of section 306 is being met, including better focused management control, more and better training staff, and improved and expanded training facilities and equipment.

Many commenters also argue that the Policy Statement provides NRC guidance on training and qualification and the basis for NRC's oversight of the industry's programs. The Policy Statement encompasses the elements of performance-based training and provides the basis to ensure that licensees' personnel have qualifications commensurate with the performance requirements of their jobs. They contend that tasks performed vary widely and that, therefore, a rule requiring detailed training program standards would have been inappropriate. They note that NRC's own experience has shown that technical details for resolution of specific issues are best handled at an administrative level below that of rules and regulations. They cite various examples of documents that address the

training issue and are in addition to INPO programs, including current Regulatory Guide 1.8, "Personnel Selection and Training"; ANSI N18.1 (1971), "Selection and Training of Nuclear Power Plant Personnel"; ANS 3.1 (1981), "Selection, Qualification, and Training of Personnel for Nuclear Power Plants"; ANS 3.5 (1985), "Nuclear Power Plant Simulators for Use in Operator Training"; and NUREG–1021, "Operator Licensing Examiner Standards." They maintain that to attempt to impose detailed requirements through a regulation would be a needless and inappropriate burden on both licensee and NRC resources: Needless, because the desired effect of improved training is already being obtained by the current system and NRC's Policy Statement, including NRC's guidance documents, industry standards, INPO accreditation, and NRC's undiminished enforcement authority; and inappropriate, because of the many plant-specific circumstances that would cause many licensees to be affected unequally and in some cases unfairly by a generic rule.

Second Contention

With respect to the Petitioner's second contention that the Policy Statement on Training and Qualification is legally insufficient to fulfill NWPA's statutory mandate, most of the twenty commenters argue in detail that section 306 clearly provides NRC with alternatives on the best way to accomplish Congress' intent. They maintain that Congress directed the Commission in Section 306 to establish instructional requirements for several categories of personnel either through a regulation or through more general guidance, leaving it to NRC to decide which option it wants to adopt. In this regard, one commenter makes detailed arguments about the legislation, showing that the legislation gave NRC a wide degree of latitude, flexibility, and discretion on the manner and scope of its compliance with the statute. Both this and another commenter declare that an interpretation of section 306 is not dependent on one statement made by one member of Congress. The commenter also argues that INPO accreditation of utility training programs would probably have been a central feature of the Commission's final rule and that, when such accreditation is completed, the Petitioner will have received the equivalent of the relief sought in the petition because accreditation would probably have taken two years by either the rule-making or policy statement route.

Several commenters explain that they think that the Policy Statement, when taken together with NRC's present and proposed rules and guidance, is more than sufficient to provide the Commission with reasonable assurance that personnel at nuclear power plants will perform their jobs in a safe and competent manner to protect the public health and safety and, at the same time, permit utilities to develop and implement plant-specific training programs. One commenter stresses that the five elements contained in the Policy Statement are professionally accepted components of any training or educational pursuit and that the Commission's proposed revision to 10 CFR Part 55, "Operators' Licenses," incorporates these elements.

Another commenter discusses the proposed revision to Part 55 and the three proposed regulatory guides related to Part 55: R.G. 1.8 "Qualifications and Training Personnel for Nuclear Power Plants," R.G. 1.134 "Medical Evaluation of Nuclear Facility Personnel Requiring Operator Licenses," and R.G. 1.149 "Nuclear Power Plant Simulation Facilities for Use in Operator License Examinations." The commenter points out that a proposed rule was published in the **Federal Register** on November 26, 1984 (49 FR 46428). It sought to clarify the regulations for the issuance of licenses to operators and senior operators; to revise the requirements and scope of written examinations and operating tests for operators and senior operators, including a requirement for a simulation facility; to codify procedures for the administration of requalification examinations; and to describe the form and content of operator license applications. The purpose of the proposed rule and regulatory guides was to improve the safety of nuclear power plant operations by improving the operator licensing process, including examination content; to provide NRC with an improved basis for administering operator licensing examinations and conducting operating tests; and, to respond to the specific direction given by Congress in section 306, to promulgate regulations and regulatory guidance in the area of examinations. (The NRC staff proposal for a final rule can be found in SECY–86–348, November 21, 1986.) The commenter argues that it is only through such an approach to training, one that allows differences in various circumstances, that effective training can result; indeed, an overly restrictive rule would ensure compliance, but may not give encouragement to improvements beyond the scope of the rule.

Still another contends that many utilities are already well on their way to implementing the requirements in NRC's proposed revision to Part 55, and the regulatory guidance, described above.

Many commenters argue that NRC's decision to issue the Policy Statement instead of a rule was based on a number of public meetings and interactions between the industry and NRC throughout 1984. They emphasize that industry representatives, in presentations to the Commission on proposed NRC training regulations, stated that the regulations were not in the best interests of nuclear safety and reliability and, in effect, would have undermined industry initiatives in training and accreditation underway since 1980. They explain that the industry, recognizing the importance of training and accreditation activities and drawing upon one of the principal recommendations of the Kemeny Commission on the accident at Three Mile Island, established training and accreditation as one of INPO's key programs and committed itself to upgrade training activities. They stress that NRC's Policy Statement recognizes the significant progress achieved by industry initiatives through NUMARC, INPO, and the associated National Academy for Nuclear Training in developing programs to improve nuclear utility training and personnel qualifications, and that the Policy Statement has provided the industry an opportunity to demonstrate continued progress.

Third Contention

Most of the commenters opposing the petition argue that the Petitioner is wrong on all three counts of its final contention. First, they contend that the five elements do provide a standard against which training programs can be measured when viewed in light of NRC's existing regulations and regulatory guides. Title 10 CFR, Part 55, "Operators' Licenses," contains the procedures and criteria for the issuance of licenses to and requalification programs for operators and senior operators. Currently, this part and Regulatory Guide 1.8 detail the education, experience, and training requirements for individuals to be administered examinations for operator or senior operator licenses. The training programs for these individuals are submitted to NRC for review and approval as part of an applicant's Final Safety Analysis Report (FSAR). The commenters stress that NRC also evaluates the effectiveness of licensees' training programs based on examination results

of applicants for operator and senior operator licenses. This is in effect an audit of the effectiveness of licensees' programs. Further, NRC administration of a percentage of the required annual requalification examinations is an additional audit of the effectiveness of the training programs. Based on the results of these examinations, NRC may take other actions to have reasonable assurance that licensed personnel are being requalified to perform their tasks in a safe and competent manner. The commenters emphasize that, therefore, the Commission has knowledge about applicants' and licensees' training programs for operators and senior operators.

With respect to the second part of the Petitioner's final contention, several commenters argue that the Policy Statement is based, in part, on the commitment of each utility with a nuclear power plant to submit its training program to INPO for accreditation. They note that NRC is mindful about how these commitments are being met, among other ways, through its review of periodic INPO accreditation status reports and NRC briefings. One commenter emphasizes that NRC remains responsible for evaluating the implementation of improved training programs to ensure that required results are achieved, and argues that the Atomic Energy Act provides broad authority for the Commission to take prompt action should NRC determine that a facility of an NRC licensee is not operated in a manner that adequately protects the public health and safety. Others indicate that (1) the Policy Statement specifically addresses NRC's enforcement policy, (2) that the Statement does not limit NRC's authority to conduct inspections or to take appropriate enforcement actions, and (3) that there is nothing in the Policy Statement which supports the Petitioner's statements that NRC has retained no authority to ensure that adequate training programs exist at individual facilities. The Policy Statement's enforcement provisions state:

> Notwithstanding its Enforcement Policy in 10 CFR Part 2, Appendix C, 49 FR 8583 (March 8, 1984), the Commission will exercise some discretion in selecting appropriate enforcement action for violations involving training in light of the NUMARC/INPO initiative. Licensees who are making reasonable efforts in developing and implementing the INPO/NUMARC programs described above will generally not be cited for violations related to these programs, provided the violations, whether or not identified by NRC, are appropriately corrected in a timely manner. However, violations which are not corrected in a timely manner, violations of any applicable reporting requirement, and any willful violation may be subject to enforcement. Any enforcement action taken during this grace period will be taken only with Commission concurrence. In addition to required reports and inspections, information requests under 10 CFR 50.54(f) may be made and enforcement meetings held to ensure understanding of corrective actions. Orders may be issued where necessary to achieve corrective actions on matters affecting plant safety. In brief, the NRC's decision to use discretion in enforcement in order to recognize industry initiatives in no way changes the NRC's ability to issue orders, call enforcement meetings or suspend licenses when a safety problem is found. Nothing in this Policy Statement shall limit the authority of the NRC to conduct inspections as deemed necessary and to take appropriate enforcement action when regulatory requirements are not met.

Finally, with respect to the third part of the Petitioner's final contention, several commenters explain that there is a timetable for utilities to obtain INPO accreditation. Utilities have committed to submitting to INPO all of their self-evaluation reports by the end of 1986. Completion of the accreditation process usually takes about twelve to fifteen months after submittal of this report. In addition, these commenters point out that NRC has stated in the Policy Statement that it will revisit the entire training issue around March 20, 1987, two years from March 20, 1985, the effective date of the Policy Statement.

Reasons for Denial

The Commission believes that it has been responsive to Congress' mandate in section 306. The Commission has determined that section 306 does not cover fitness for duty; nonetheless, it has issued a policy statement on this topic, as mentioned above.

With respect to the training and qualifications of civilian nuclear power plant personnel, the issue raised by the Petitioner arises out of the language of section 306. That language provides for the promulgation of regulations or of other appropriate Commission regulatory guidance. The Petition and one commenter believe that compliance with the statute requires enactment of legally binding regulations. The nuclear industry believes that NRC acceptance of INPO's accrediation program for training and qualifications by a policy statement meets the need for regulatory guidance. Indeed, the industry argues that conversion of the voluntary effort into a compulsory regulation would be destructive of its voluntary efforts. In this connection, the House of Representatives Committee on Appropriations in reporting, on May 15, 1984, the Energy and Water Development Appropriation Bill, 1985, Report 98–755 to accompany H.R. 5653, at page 145, submitted the following view:

> **Reactor Training and Operations**
>
> The Committee is concerned that the NRC may inadvertently undermine the initiatives of the Institute of Nuclear Power Operations. The NRC should carefully review its activities in the area of reactor operations and training so as not to prevent the licenses [sic] from making needed improvements. The Committee agrees with the President's Kemeny Report that prescriptive and voluminous regulations can serve as a negative factor in nuclear safety. Therefore, the Committee urges the Commission in complying with section 306 of the NWPA to develop alternatives to prescriptive regulations. The Committee does not agree with the Commission that the proposed training rule as currently formulated achieves this purpose.

Before analyzing section 306, the Commission wishes to explain how it views a policy statement and its uses. The Administrative Procedure Act (5 U.S.C. 552(A)(1)(D) and (A)(2)(B)) requires an agency to publish its statements of general policy or interpretation of general applicability in the **Federal Register** for guidance to the public. One of the recommendations of the Administrative Conference of the United States is that an agency should articulate its policies through published policy statements. 1 CFR 305.71–3 (Recommendation No. 71–3). The Administrative Conference explains that a policy statement is an agency's indication of how it will exercise discretion. 1 CFR 305.76–5 (Recommendation No. 76–5). *See* also 3 Mezines, Stein & Gruff, *Administrative Law* section 15.04 (1982). A policy statement in and of itself provides guidance only and does not carry regulatory force or statutory force. A person cannot be cited for not "complying" with a policy statement *per se*. A policy statement, however, may explain how an agency interprets a statute or rule. *See Pacific Gas & Electric Co.* v. *Federal Power Commission*, 506 F.2d 33, 38–9, (D.C. Cir. 1974). In such cases, the agency can enforce that statute or rule in the way it states it will in that statement.

Consequently, the Commission does not rely on policy statements in lieu of regulatory requirements imposed either by rule or by license condition. The Commission has not taken enforcement action against a licensee for failure to follow the guidance given in a policy statement because policy statements are not enforceable as such. If an unsafe situation arose at a licensed facility with

respect to a matter covered by a policy statement, however, the Commission could issue an order its general Atomic Energy Act authority. Such an order could require the license to take remedial action and impose appropriate license conditions governing matters otherwise covered by the policy statement.

NRC would not necessarily need a specific event to trigger action related to the policy statement. It remains NRC's continued responsiblity, as noted in both policy statements, to independently evaluate applicant development and licensee implementation of NRC's guidance to ensure that desired results are achieved. Nothing in any of NRC's policy statements limits NRC's authority or responsibility to follow up on operational events or its enforcement authority when regulatory requirements are not met. For instance, in the Policy Statement On Training and Qualification, the Commission explained that it will evaluate the effectiveness of utility programs by, among other ways, direct inspection conducted by NRC's appraisal teams, resident inspectors and inspectors from its Regional Offices. It also stated that violations of any applicable reporting requirement or instances that potentially affect plant safety will be subject to NRC's enforcement process. If, the Commission suspected that a licensee were not developing or implementing adequate programs along the lines indicated in the Policy Statement, it could inspect the licensee and require information under 10 CFR 50–54(f) to determine whether the license should be modified, suspended or revoked. Thereafter, if the Commission found that the licensee's program were indeed inadequate, it could make, for instance, a public health and safety determination under which it could order modification of the license by inserting the elements of the Policy Statement as a condition of continued operation.

Industry urged the Commission to allow the industry to demonstrate its initiative in the area of management and human resources. The Commission stated in its Policy Statement on Training and Qualification that it would evaluate its own guidance and the industry's response for a fairly short period, *i.e.*, two years from its effective date. The Commission believes that it has not lost any time in the industry initiatives and that, in fact, it has gained much that it could not have achieved using its own resources. The Commission also believes that the industry could achieve more, and could achieve it better and faster, if NRC allowed it to implement its own initiative with NRC guidances rather than through a rule imposing upon it limited, minimum standards.

The Commission believes that Congress directed NRC in Section 306 to establish instructional requirements for several categories of personnel either through a regulation *or* through regulatory guidance, leaving it to NRC's discretion to decide which regulatory approach to adopt. Section 306 in effect provides that the NRC is "directed to promulgate regulations, or other appropriate Commission regulatory guidance," which "shall establish . . . instructional requirements for civilian nuclear powerplant licensee personnel training programs."

The Commission believes that "guidance" or "regulatory guidance" do not necessarily mean a mandatory, enforceable regulation, order or license condition.

The Commission decided to withhold action on promulgating new training and qualifications regulations during a short evaluation period. During this period, NRC has been evaluating the results of the accreditation program to determine whether the industry's efforts ensure training and qualifications that meet or exceed the elements included in the Policy Statement and other Commission guidance documents. The Commission has not, however, stopped with issuance of the Policy Statement; it is in the process of issuing a revision to 10 CFR Part 55 and to the three regulatory guides described above.

To further assess license candidates in a realistic job setting, NRC revised 10 CFR Part 55 to require that operating tests be conducted not only in oral walkthroughs of the plant and in its control room but also in a simulation facility. This facility, which may include the plant, a plant-referenced simulator, or another simulation device, alone or in combination, is used to demonstrate a candidate's understanding of and ability to perform essential job tasks. The Policy Statement and NRC's revision to Part 55 enhance the NRC licensing examination process. The facility licensee's systematic analysis of the job and learning objectives phases of the Systems Approach to Training are used by NRC as a basis for developing examinations. License candidate evaluations are based, therefore, in part, upon performance stsandards and evaluation criteria delineated in the objectives. Once licensed, individuals participate in requalification programs that also are based in part on learning objectives derived from the Systems Approach to Training. NRC's requalification program evaluations use information developed by its licensees under the Policy Statement.

The Commission is also considering a rule on degree requirements for operating staff at nuclear power plants. Though the rule is not addressed by section 306, it is responsive to the concern about personnel qualification. In a related activity, the Commission published a Policy Statement on Engineering Expertise on Shift to ensure that adequate engineering and accident assessment expertise is provided to the shift supervisor (50 FR 43621, October 28, 1985).

In sum, the Commission believes that the industry's efforts to date have been productive. NRC has increased confidence in the industry's training process, because the industry in systematically analyzing job performing requirements. The Systems Approach to Training appears to be working in the nuclear power industry. This training method is currently used in technological environments where human performance and safety concerns are very important. Noteworthy examples include the military, the NASA space program, and the field of aviation. NRC determined that its approach was consistent with that being used by INPO in training program evaluations for its accreditation process and, therefore, decided not to promulgate a rule but to issue the Policy Statement on Training and Qualification and to evaluate for a short while INPO's accreditation process.

The Commission agrees that a highly prescriptive rule would have dampered the industry's enthusiasm and creativity and thereby set back its training efforts. It believes that, in light of the language of Section 306, it has a choice to choose the better of two means to achieve the statutory goal and that it has been responsive to Congress' intentions.

Accordingly, the Commission denies the petition.

Dated at Bethesda, Maryland, this 14th day of January 1987.

For the Nuclear Regulatory Commission.

Victor Stello, Jr.,

Executive Director for Operations.

[FR Doc. 87–1980 Filed 1–30–87; 8:45 am]

BILLING CODE 7590-01-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 564

[No. 87-100]

Federal Savings and Loan Insurance Corporation, Settlement of Insurance

January 23, 1987.

AGENCY: Federal Home Loan Bank Board.

ACTION: Supplemental notice of proposed rulemaking and request for comment.

SUMMARY: The Federal Home Loan Bank Board ("Board") as operating head of the Federal Savings and Loan Insurance Corporation ("FSLIC") is proposing to revise the preamble to is proposed Settlement of Insurance regulations. Specifically, the Board today proposes that any change to the Insurance Regulations limiting insurance coverage on certificates of deposit securing certain tax-exempt public unit bond issuances will not apply if the bonds are issued under the Tax Reform Act of 1986 for the purposes of refinancing existing tax-exempt public unit bonds prior to 30 days after the publication of final regulation. The request for comment is limited to this issue.

DATES: Comments must be received by March 4, 1987.

The proposed effective date for any final rule which the Board may adopt pursuant to this revision to the Settlement of Insurance proposal and additional request for comment is 30 days after publication of such final rule.

ADDRESS: Send comments to Director, Information Service Division, Office of the Secretariat, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, DC 20552. Comments will be available for inspection at this address.

FOR FURTHER INFORMATION CONTACT: Jerome Edelstein, Attorney, Office of the General Counsel, (202) 377-7057, at the above address.

SUPPLEMENTARY INFORMATION: Between October 1982 and April 1983, states and their political subdivisions issued bonds exempt from federal taxes to finance real estate projects. These bonds were secured (hereinafter referred to as "secured bonds") as to payment of principal and interest by certificates of deposit issued by institutions the deposits of which are insured by the FSLIC ("insured institutions"). Under regulations governing the insurance of accounts, the interest of each bondholder would be insured to $100,000 separately from any individual accounts that the bondholder had in the same insured institution. *See* 12 CFR 564.8(b) (1986); Office of General Counsel ("OGC") Opinion Letter by A. Patrick Doyle, Deputy General Counsel (Nov. 3, 1982); OGC Opinion Letters by Peter M. Barnett, Associate General Counsel (Oct. 13, 1982 and April 8, 1982). This regulation and the interpretations contained in those letters are still effective.

The Tax Reform Act of 1984 (the "1984 Act") eliminated the federal tax exemption for secured bonds issued after April 14, 1983. However, certain bonds, most significantly those issued pursuant to section 631(c)(2) of the 1984 Act, could be issued after that date and retain their tax exempt status. Section 631(c)(2) authorized tax-exempt treatment for secured bonds issued after April 14, 1983, provided they were to be issued pursuant to a binding contract in effect on March 4, 1983. *See* 26 U.S.C. 103(h) (1982 and Supp. III 1985).

However, section 1316(e) of the Tax Reform Act of 1986 (the "1986 Act") permits issuers to refinance existing secured bonds by issuing new secured bonds, which would also be tax exempt, at lower interest rates more consistent with current market conditions. Tax Reform Act of 1986, Pub. L. No. 99-514, section 1316(e), Special Tax Pamphlet No. 9A (U.S.C.A.) p. 584. The Board strongly supported this revision of the tax code which it believes will help stave off defaults on such secured bonds caused by economic difficulties in several Southwestern states due to declining energy prices.

In 1985, the Board issued proposed revisions to the Settlement of Insurance regulations. Board Res. No. 85-286a, 50 FR 19185 (1985). That proposal contained provisions that would limit insurance on certificates securing such bonds to $100,000. 50 FR 19185, 19193, 19195 (1985). Thus, insurance treatment under the proposal differs significantly from that currently afforded by the FSLIC. Under the proposal, each bondholder's interest in the certificates securing a particular bond issuance would not be separately insured to $100,000. Instead, each bondholder would be eligible for his pro rata portion of the $100,000 of insurance coverage available on the certificates. The proposal specifically sought comment on the advisability of grandfathering insurance coverage of existing time deposits for the convenience of persons who had made long-term investments in insured accounts under existing rules and also sought comment on what would constitute an appropriate delayed effective date for revised regulations as to insurance of such accounts. In this way, the Board signaled its intention to consider carefully the issue of fairness to long-term investors, including investors in secured bonds.

Nevertheless, it has come to the Board's attention that the proposed limitation on insurance of certificates securing such bond issuances may have a detrimental effect on the ability of issuers, pursuant to the 1986 Act, to refinance existing secured bonds because of the effect of any such insurance limitation on the credit rating of the newly issued bonds. Consequently, the Board today proposes that any change in the limitation on the amount of insurance available to certificates of deposit securing tax-exempt secured bond issuances not apply to certificate securing bonds issued prior to 30 days after the publication in the **Federal Register** of the final Settlement of Insurance Regulation. Today's proposal refers only to bond issuances undertaken, in accordance with the section 1316(e) of the 1986 Act, to refinance existing tax-exempt public unit secured bonds. The Board will accept comments on today's proposal for a period of 30 days from the date of this publication. The Board is not reopening the comment period as to any other issues raised in its 1985 proposed rule on Settlement of Insurance.

Nadine Y. Washington,

Acting Secretary.

[FR Doc. 87-1986 Filed 1-30-87; 8:45 am]

BILLING CODE 6720-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 86-NM-225-AD]

Airworthiness Directives; McDonnell Douglas Model DC-9-30, -40, and C-9 (Military) Series Airplanes, Fuselage Numbers 1 Through 1084

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes a new airworthiness directive (AD), applicable to certain McDonnel Douglas DC-9 series airplanes, which would require inspections for cracks in the rudder drive crank assembly, and replacement, as necessary. This proposal is prompted by reports of cracks in the rudder drive crank assembly. This condition, if not corrected, could result in the loss of rudder effectiveness during critical flight regimes.

DATE: Comments must be received no later than March 23, 1987.

ADDRESS: Send comments on the proposal in duplicate to Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel (Attn: ANM-103), Attention: Airworthiness Rules Docket No. 86-NM-225-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. The applicable service information may be obtained from McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1-L65 (54-60). This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or 4344 Donald Douglas Drive, Long Beach, California.

FOR FURTHER INFORMATION CONTACT: Mr. Michael N. Asahara, Sr., Aerospace Engineer, Airframe Branch, ANM-122L, FAA, Northwest Mountain Region, Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808; telephone (213) 514-6319.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this Notice may be changed in light of the comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA/public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRM

Any person may obtian a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the FAA, Northwest Mountain Region, Office of the Regional Counsel (Attn: ANM-103), Attention: Airworthiness Rules Docket No. 86-NM-225-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

Discussion

Three operators of McDonnell Douglas Model DC-9-30 and -40 series airplanes have reported five instances of rudder drive crank assembly failures. Investigation revealed that rudder drive cranks on the rudder torque tube had failed due to fatigue cracking. The cracks occurred on airplanes having logged between 13,547 and 33,340 flight-hours and from 18,250 to 32,737 landings. A cracked rudder drive crank could cause the loss of rudder effectiveness during critical flight regimes.

The FAA has reviewed and approved McDonnell Douglas DC-9 Service Bulletin 27-261, dated October 18, 1985, which describes procedures for inspection of the rudder drive crank assembly for cracks, using eddy current and ultrasonic inspection methods, and replacement of cracked assemblies.

Since this condition is likely to exist or develop on other airplanes of this same type design, an AD is proposed which would require repetitive inspections for cracks in rudder drive crank assemblies on the rudder torque tube, and replacement, if necessary, in accordance with the service bulletin previously mentioned. Installation or rudder crank assembly P/N 5912801-501 would constitute terminating action for the required repetitive inspections.

It is estimated that 367 airplanes of U.S. registry would be affected by this AD, that it would take approximately 1 manhour per airplane to accomplish the required inspection, and that the average labor cost is estimated to be $40 per manhour. (Replacement of the rudder drive crank assembly, if necessary, would require approximately 9.3 manhours to accomplish.) Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $14,680 for the initial required inspection.

For these reasons, the FAA has determined that this document: (1) Involves a proposed regulation which is not major under Executive Order 12291 and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and it is further certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on s substantial number of small entities because few, if any, Model DC-9 airplanes are operated by small entities. A copy of a draft regulatory evaluation prepared for this action is contained in the regulatory docket.

List of Subjects in 14 CFR Part 39

Aviation Safety, Aircraft.

The Proposed Amendment

PART 39—[AMENDED]

Accordingly, pusuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) as follows:

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By adding the following new airworthiness directive:

McDonnell Douglas: Applies to McDonnell Douglas Model DC-9-30, -40, and C-9 (Military) series airplanes, Fuselage Numbers 1 through 1084, certificated in any category. Compliance required as indicated, unless previously accomplished.

To prevent the failure of the rudder drive crank assembly, within 500 landings or 90 days after the effective date of this AD, whichever occurs earlier, unless already accomplished within the last 2,500 landings or 9 months, accomplish the following:

A. Eddy current or ultrasonically inspect the rudder drive crank assembly for cracks in accordance with McDonnell Douglas DC-9 Service Bulletin 27-216, dated October 18, 1985, or later FAA-approved revisions.

1. If no cracks are found, accomplish repetitive inspections at intervals not to exceed 12 months, or 3.000 landings, whichever occurs earlier, until such time as the procedures described in paragraph A.3., below, are accomplished.

2. If crack(s) are found, before further flight, replace cracked rudder drive crank assembly with a new P/N 5912801-1 or -501 drive crank. If a new 5912801-1 drive crank assembly is used as a replacement part, inspect in accordance with paragraph A.1., above.

3. Installation of rudder drive crank assembly P/N 5912801-501, in accordance with McDonnell Douglas DC-9 Service Bulletin 27-261, dated October 18, 1985, or later FAA-approved revisions, constitutes terminating action for the repetitive inspections.

B. Alternate means of compliance which provide an equivalent level of safety may be used when approved by the Manager, Los Angeles Aircraft certification Office, FAA, Northwest Mountain Region.

C. Upon the request of an operator, an FAA Maintenance Inspector, subject to prior approval of the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the

request contains substantiating data to justify the change for that operator.

All persons affected by this proposal who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to the McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1-L65 (54-60). These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at 4344 Donald Douglas Drive, Long Beach, California.

Issued in Seattle, Washington, January 21, 1987.

Wayne J. Barlow,

Director Northwest Mountain Region.

[FR Doc. 87-1905 Filed 1-30-87; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 375 and 382

[Docket No. RM87-3-000]

Annual Charges Under the Omnibus Budget Reconciliation Act of 1986

January 28, 1987.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission (Commission) proposes to amend its regulations to establish annual charges as required by section 3401 of the Omnibus Budget Reconciliation Act of 1986 (Budget Act). The Commission would assess these charges against gas and oil pipelines and electric utilities. The charges would be based on the volumes of energy transported and sold by the gas pipelines and electric utilities, and on the operating revenues received by the oil pipelines.

DATE: Written comments on this proposed rule must be filed with the Commission by March 4, 1987.

ADDRESS: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426.

FOR FURTHER INFORMATION CONTACT:

For legal matters

Roland M. Frye, Jr., Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, (202) 357-8315

For technical matters

Jewel C. Poore, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, (202) 357-5362

SUPPLEMENTARY INFORMATION:

Issued: January 28, 1987.

I. Introduction

The Federal Energy Regulatory Commission (Commission) proposes to amend its regulations to establish annual charges as required by section 3401 of the Omnibus Budget Reconciliation Act of 1986 (Budget Act).[1] The Commission would assess these charges against gas and oil pipelines and electric utilities. The charges would be based on the volumes of energy transported and sold by the gas pipelines and electric utilities, and on the operating revenues received by the oil pipelines.

II. Background

A. The Budget Act

Section 3401(a)(1) of the Budget Act requires the Commission to "assess and collect fees and annual charges in any fiscal year in amounts equal to all of the costs incurred by the Commission in that fiscal year." [2] This authority is in addition to that granted to the Commission in sections 10(e) and 30(e) of the Federal Power Act (FPA).[3] The annual charges must be computed based on methods which the Commission determines to be "fair and equitable." [4] The Conference Report provides the Commission with the following guidance as to this phrase's meaning:

[A]nnual charges assessed during a fiscal year on any person may be reasonably based on the following factors: (1) The type of Commission regulation which applies to such person such as gas pipeline or electric utility regulation; (2) the total direct and indirect costs of that type of Commission regulation incurred during such year; (3) the amount of energy—electricity, natural gas, or oil—transported or sold subject to Commission regulation by such person during such year; and (4) the total volume of all energy transported or sold subject to Commission regulation by all similarly situated persons during such year.[5]

The Commission may assess these charges by making estimates based upon data available to it at the time of assessment.[6] The Commission is required to collect not only all its direct costs but also all its indirect expenses such as hearing costs and indirect personnel costs.[7]

Congress will continue to approve the Commission's budget through annual and supplemental appropriations. The annual charges do not enable the Commission to collect amounts in excess of its expenses, but merely serve as a vehicle to reimburse the United

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[1] Act of October 21, 1986, Pub. L. No. 99-509, Title III, Subtitle E, section 3401, 1986 U.S. Code Cong. & Ad. News (100 Stat.) ___, ___ (to be codified at ___ U.S.C. ___):

(a) In General—(1) Except as provided in paragraph (2) and beginning in fiscal year 1987 and in each fiscal year thereafter, the Federal Energy Regulatory Commission shall, using the provisions of this subtitle and authority provided by other laws, assess and collect fees and annual charges in any fiscal year in amounts equal to all of the costs incurred by the Commission in that fiscal year.

(2) The provisions of this subtitle shall not affect the authority, requirements, exceptions, or limitations in sections 10(e) and 30(e) of the Federal Power Act.

(b) Basis For Assessments—The fees or annual charges assessed shall be computed on the basis of methods that the Commission determines, by rule, to be fair and equitable.

(c) Estimates—The Commission may assess fees and charges under this section by making estimates based on data available to the Commission at the time of assessment.

(d) Time of Payment—The Commission shall provide that the fees and charges assessed under this section shall be paid by the end of the fiscal year for which they were assessed.

(e) Adjustments—The Commission shall, after the completion of a fiscal year, make such adjustments in the assessments for such fiscal year as may be necessary to eliminate any overrecovery or underrecovery of its total costs, and any overcharging or undercharging of any person.

(f) Use of Funds—All moneys received under this section shall be credited to the general fund of the Treasury.

(g) Waiver—The Commission may waive all or part of any fee or annual charge assessed under this section for good cause shown.

[2] Filing fees and annual charges both recover the government's regulatory costs but are different kinds of assessments. In general, a filing fee accompanies a filing with the government for a particular benefit or service. In contrast, the government assesses annual charges by billing individual entities regulated under a specific regulatory program for a share of all expenses of administering that program. A company subject to an annual charge is expected to pay the yearly bill even though the company may not have filed a specific application or request for relief.

[3] Budget Act section 3401(a)(2), *citing* 16 U.S.C. 803(e) (1982) and Act of October 16, 1986, Pub. L. 99-405, section 7(c), 1986 U.S. Code Cong. & Ad. News (100 Stat.) 1243, 1248-1249 (to be codified at 16 U.S.C. 823(a)(e)). Section 10(e) of the FPA provides that the Commission shall assess annual charges against companies holding hydroelectric licenses. Such charges must be sufficient to reimburse the federal government for the costs of administering Part I of the FPA. Section 30(e) provides that the Commission shall assess fees sufficient to reimburse various fish and wildlife agencies for certain costs incurred in assuring compliance with section 30 of the FPA.

[4] Budget Act section 3401(b).

[5] Conference Report at 239, 1986 U.S. Code Cong. & Ad. News at 3884.

[6] Budget Act section 3401(c).

[7] *See* Conference Report to Accompany H.R. 5300 (Conference Report), H.R. Rep. No. 1012, 99th Cong., 2d Sess. 238, *reprinted in* 1986 U.S. Code Cong. & Ad. News 3868, 3883; *see also* Report of the Committee on the Budget of the United States Senate, to Accompany S. 2706 (Senate Budget Report), S. Rep. No. 348, 99th Cong., 2d Sess. 56, 66 and 68.

States Treasury for the Commission's expenses.[8]

B. Existing Fees and Annual Charges Schedules

The Commission currently assesses filing fees and annual charges under several statutes. Title V of the Independent Offices Appropriations Act of 1952 (IOAA) [9] permits the Commission to charge filing fees for special benefits provided to identifiable persons. Such fees are based on the cost to the agency to the agency's services.[10] FPA section 10 (e) requires that entities licensed under section 4 of that Act pay "reasonable annual charges" for, among other things, reimbursing the United States for the costs of administering Title I of the FPA. Section 30(e) of the FPA instructs the Commission to establish fees "adequate to reimburse * * * reasonable costs incurred in connection with any studies or other reviews carried out * * * for purposes of compliance with" section 30 of the FPA.

The existing filing fee regulations implement the IOAA and recover Commission costs for certain services to gas, oil and electric companies which file with the Commission.[11] Under existing annual charges regulations promulgated pursuant to section 10 of the FPA, the Commission recovers costs from licensees for certain services provided to the hydroelectric industry.[12] The Commission is in the process of promulgating regulations to implement the recent amendment to section 30 of the FPA.[13]

The Budget Act's billing authority is more comprehensive than the existing billing authority under either the IOAA or the FPA. Unlike FPA sections 10(e) and 30(e) which permit recovery of only those costs incurred in administering Part I and incurred in connection with studies and reviews performed pursuant to section 30 of the FPA respectively, and unlike the IOAA which permits recovery of only those costs incurred in providing special benefits to identifiable persons,[14] the Budget Act *requires* the Commission to recover *all* of its costs.

Under this proposed rulemaking, the Commission would recover through annual charges all costs not recouped through existing IOAA filing fees and FPA assessments.

III. General Discussion of Annual Charges Formula

To implement the Budget Act, the Commission must first formulate an annual charge billing procedure. To do this, the Commission must determine:

- The types of companies which the Commission should bill.
- How to estimate and then allocate the Commission's costs among its regulatory programs.
- How to allocate each program's costs among the companies regulated under each program.

After formulating an annual charge billing procedure, the Commission must then determine:

- How to adjust the annual charges at the end of a fiscal year "to eliminate any overrecovery or underrecovery of [the Commission's] total costs, and any overcharging or undercharging of any person" pursuant to section 3401(e) of the Budget Act.
- The standards for waiving all or part of an annual charge pursuant to section 3401(g) of the Budget Act.

In this part, the Commission addresses these five steps as they apply to all three programs. Parts IV, V, and VI of this Notice specifically address the type of companies to be billed and the method for allocating the costs of the three regulatory areas.

A. The Types of Companies to be Billed

The Conference Report indicates that Congress intentionally did not specify the classes of companies subject to annual charges.[15] Congress instead granted the Commission discretion to identify the companies to be assessed annual charges. The Commission believes that fairness and equity (as required in section 3401(b) of the Budget Act) as well as administrative efficiency[16] justify the assessment of annual charges against three types of companies: Public utilities, interstate oil pipelines and interstate natural gas pipelines. The reasons justifying the Commission's proposal to assess annual charges only against these three types of companies are discussed more fully in Parts IV, V and VI below. This approach is consistent with the legislative history, which indicates that the primary focus of Congress was on public utilities, interstate oil pipelines and interstate natural gas pipelines. Indeed, the bil reported out of the House Budget Committee would have assessed annual charges against only these three types of companies.[17] Nevertheless, Congress ultimately decided not to specify the classes of entities subject to charges in order to give the Commission the discretion to assess charges against other types of companies as well.[18] Therefore, the Commission invites comments as to whether and how it should assess annual charges against more than these three types of companies, both for immediate purposes (FY 1987 collection) and in future fiscal years.

B. The Method for Estimating and Then Allocating the Commission's Costs Among Its Regulatory Programs

1. *Estimation of Costs.* The Commission is required to "assess and collect fees and annual charges in any fiscal year in amounts equal to all of the costs incurred by the Commission in that fiscal year."[19] The Commission's cost estimates may be based on data available to it at the time of assessment.[20] Because the annual charges must be paid by the end of the fiscal year for which they are assessed,[21] the Commission, when it assesses the annual charges, will not yet have available to it the actual cost data for that year. The Commission must therefore estimate what its year-end

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[8] Budget Act section 3401(f).

[9] 31 U.S.C. 9701 (1982).

[10] *See* New England Power Co. v. FPC, 151 U.S. App. D.C. 371, 374–375, 467 F.2d 425, 428–429 (1972), *aff'd.* 415 U.S. 345 (1974).

[11] 18 CFR Parts 346 and 381 (1986).

[12] 18 CFR Part 11 (1986). Also, pursuant to section 10(f) of the FPA, the Commission also assesses charges to recover the cost of its headwater benefit investigations. *Id.*

[13] Act of October 16, 1986, Pub. L. 99–495, section 7(c), 1986 U.S. Code Cong. & Ad. News (100 Stat.) 1243, 1248–1249 (to be codified at 16 U.S.C. 823(a)(e)).

[14] The legislative history indicates Congress intended the authority of its mandate in the Budget Act to go beyond that contained in Title V of the IOAA. *See* Report of the Committee on the Budget, House of Representatives, to Accompany H.R. 5300 (House Budget Report), H.R. Rep. No. 727, 99th Cong., 2d Sess. 44, *reprinted in* 1986 U.S. Code Cong. & Ad. News 3607, 3640 ("FERC does not currently have authority to assess charges on regulated companies for the remainder of the work performed by FERC in regulating oil pipelines, natural gas pipelines and public utilities. [This] legislation gives that authority to FERC.")

[15] Conference Report at 239, U.S. Code Cong. & Ad. News at 3884.

[16] *See generally* House Budget Report at 55, 1986 U.S. Code Cong. & Ad. News at 3651 ("Any billing method that reasonably minimizes FERC and industry administrative costs is acceptable"); *cf.* Capital Cities Communications v. FCC, 180 U.S. App. D.C. 276, 279, 554 F. 2d 1135, 1138 (1976) ("the statutory requirement that fees should be 'fair and equitable' does leave some room for consideration of administrative convenience"); National Cable Televiision Ass'n v. FCC (National Cable), 180 U.S. App. D.C. 233, 249, 554 F. 2d 1094, 1108 (1976) ("considerations of administrative convenience may certainly be taken into account as one factor in the calculation" of fees).

[17] Conference Report at 239, U.S. Code Cong. & Ad. News at 3884.

[18] *See* Senate Budget Report at 56, 68.

[19] Budget Act section 3401(a)(1).

[20] *Id.* at section 3401(c).

[21] *Id.* at section 3401(d).

expenses will be. The Commission believes that the most accurate available data on which to base such estimates would be the prior fiscal year's expenses, since experience has shown that the Commission's expenditures by program remain reasonably stable from one year to the next. The Commission can adjust this cost figure upward or downward at the time bills are calculated to account for any actual or expected major changes in fiscal expenditures from the previous fiscal year, such as a supplemental budget increase. This approach is consistent with the manner in which the Commission develops its operating budget, *i.e.*, the Commission uses the prior fiscal year's expenditures as a guide for developing the next year's budget. For these reasons, the Commission proposes to use this approach.

2. *Allocation of Costs.* The Conference Report indicates that Congress intended the Commission to recover the costs of each program from those entities directly affected by the activities of the Commission in that program area:

> For example, public utilities subject to the Federal Power Act should be required to pay for the Commission's activities under the Federal Power Act and related statutes, including a proportionate share of the Commission's overhead. They should not be expected to pay for the Commission's activities under the Natural Gas Act or the Natural Gas Policy Act.[22]

The Commission notes that the Budget Act does not require it to create a new data base for billing purposes, and that it is therefore free to use the most reliable data available to arrive at a reasonable approximation of its program costs.[23]

The Commission currently uses a computerized management information system, the Time Distribution Reporting System (TDRS), that accounts for staff time by program area. TDRS data for the prior fiscal year will provide the most reliable basis for distributing direct and indirect costs among the Commission's gas, oil, and electric programs. The Commission now uses the TDRS as the basis for calculating its IOAA filing fees and for allocating FPA hydroelectric annual charges. This system has proven to be effective and accurate.[24]

The Commission proposes to allocate its costs among the three programs as follows. Costs that are directly related to a particular program (such as the cost of the Commission's contract for a gas pipeline flow analysis computer model) would be charged against only that program while indirect expenses (such as computer support contracts) would be distributed *pro rata* among all programs based on direct staff time as reflected in the TDRS data.[25] The Commission is also proposing to distribute on a *pro rata* basis the net expenses (after subtracting filing fees collected) of administering appeals from Department of Energy remedial orders and adjustment request denials (discussed in Part V B below). A program's total cost would thus include all its direct costs and a *pro rata* share of indirect and DOE appeal costs. As noted in greater detail in Part III D below, each program's costs would be reduced by the amount of filing fees collected during the prior fiscal year from entities regulated under that program. The Commission proposes to rely on the prior year's filing fees as an estimate of the current year's filing fee receipts.

C. Allocation of Each Program's Costs Among the Companies Regulated Under Each Program

After the Commission's costs are allocated among the three regulatory programs, the Commission would further allocate each program's costs among the companies being regulated. The Commission is generally proposing that the amount of each natural gas pipeline and public utility's bill would be directly related to the volume of gas or electricity which it sells or transports, and that the amount of each oil pipeline's bill would be directly related to the operating revenues it receives from the transportation of oil and petroleum products (as a proxy for annual sales). The Commission believes that this approach is consistent with the expectation reflected in the Conference Report that the Commission will "assess annual charges proportionately on the basis of annual sales or volumes transported" [26] Under this method, all IOAA filing fees attributed to each program would be subtracted from the program's budget because they represent costs already recovered.[27] This proposal is discussed in detail in Parts IV, V and VI below.

The Commission is also seeking comments on an alternative methodology which would reduce total prior year program costs only by the amount of the fees paid by entities who will not be billed an annual charge. After the annual charges bill is calculated, each company which is to receive an annual charge bill would be given individual credit for all filing fees that it paid.

Under this alternative, any filing fees which a company paid during the first six months of fiscal year 1987 would be credited against the company's annual charge in the same program for that fiscal year. In subsequent fiscal years, credit would be given for the filing fees paid in the last six months of the previous fiscal year and the first six months of the fiscal year for which the bills are issued. However, pipelines which also produce gas would not be able to credit their producer filing fees against their pipeline annual charges because such a credit would give such companies an unfair advantage over their producer and pipeline competitors

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[22] Conference Report at 238–239, 1986 U.S. Code Cong. & Ad. News at 3883–3884.

[23] *See* Budget Act section 3401(c); *see generally* Yosemite Park and Curry Co. v. U.S., 686 F.2d 925, 931–932 (Ct. Cl. 1982) and authority cited in nn. 32–34 therein (IOAA fees need only have a reasonable, not exact, relationship to agency cost); *National Cable*, 250 U.S. App. D.C. at 246–247, 554 F.2d at 1105–1106 (FCC need not calculate the exact cost of servicing each regulated entity, but can base its fee computations on approximations); National Association of Broadcasters v. FCC, 250 U.S. App. D.C. 259, 271 n.28, 554 F.2d 1118, 1130 n.28 (1976) (FCC fee calculations need not be exact; reasonable approximations are sufficient.)

[24] A detailed description of TDRS, including a discussion of its accuracy-control measures, is attached as Appendix A. The United States Court of Appeals for the Tenth Circuit upheld the Commission's filing fee schedules which were based upon the same TDRS sytem which the Commission proposes to use in establishing annual charges. Phillips Petroleum Co. v. FERC, 786 F.2d 370, *cert. denied*, U.S. , 107 S. Ct. 92, 93 L. Ed. 2d 44, 55 U.S.L.W. 3232 (1986).

[25] The United States Court of Appeals for the Fifth Circuit upheld a similar *pro rata* inclusion of indirect costs in the Nuclear Regulatory Commission's IOAA fees. Mississippi Power & Light Co. v. NRC, 601 F.2d 223, 231 (1979), *cert. denied*, 444 U.S. 1102 (1980). *See also* Central & Southern Motor Freight Tariff Ass'n v. U.S., 250 U.S. Ap. D.C. 63, 77–78, 777 F.2d 722, 736–37 (1985); *National Cable*, 250 U.S. App. D.C. at 242, 554 F.2d at 1101 ("The costs assessed may include a pro rata share of any expenses for regulatory activities which are necessary in order to grant [an FCC certificate of compliance].")

[26] Conference Report at 239, 1986 U.S. Code Cong. & Ad. News at 3884; *see also* House Budget Report at 54–55, 1986 U.S. Code Cong. & Ad. News at 3650–3651; H.R. 5300, 99th Cong., 2d Sess. section 4101(b) (1986).

[27] This approach of crediting fees to the programs as a whole rather than to each company finds support in the House Budget Report at 56, 1986 U.S. Code Cong. & Ad. news at 3652:

> FERC is then to allocate and determine the costs incurred in administering its jurisdictional statutes, broken down into the following areas of responsibility: The administration of the Natural Gas Act and the Natural Gas Policy Act; the regulation of interstate oil pipelines under Title 49 U.S.C.; and, the regulation of public utilities under Parts II and III of the Federal Power Act.
>
> From these three subtotals, FERC is to subtract the fees collected (if any) under the Natural Gas Policy Act that are paid in connection with activities which pertain to each of the programs. The remaining costs of administering its jurisdictional statutes in each of the three areas are those costs which are to be assessed as annual charges.

and would therefore not be "fair and equitable." Nevertheless, the total program cost for gas would be reduced by an estimated amount of the total producer filing fees to be paid during the billing period. This estimate would be based upon the amount of filing fees paid during the previous fiscal year.

This alternative would also require the use of company identifers in order to facilitate the crediting of each company for the filing fees and annual charges it paid during an annual charges billing period. Specifically, the Commission would use EIA/FERC Name-Address identification number currently assigned to each company. This unique number is already used in many Commission staff computer programs as well as in statistical reports assembled and published by the Energy Information Administration (EIA). Other possible systems would be IRS (employer identifier) numbers, or new 3 or 4 digit numbers to be assigned by the Commission.

Finally, the Commission is also considering a second alternative to the proposed methodology, the use of sampling methods rather than the more precise sales and transportation data for each company. A sampling method would require the Commission to set up categories of companies based on generalized sales and transportation data, assign companies to various categories, and charge each company within a category the same amount.

The Commission invites comments on the relative advantages and disadvantages of the proposed method and the two alternatives, as well as any other methods which commenters wish the Commission to consider.

D. Adjustment of Charges for a Fiscal Year so as To Eliminate Any Overrecovery or Underrecovery of the Commission's Total Costs and Any Overcharging or Undercharging of Any Company

The Commission proposes to correct overrecovery or undercovery of costs by comparing at the end of the fiscal year the actual amounts collected with the actual fiscal year costs, and adjusting the subsequent fiscal year's estimated program costs by the difference.[28] For instance, waivers, if granted, could lead to underrecovery for a particular year. The Commission would adjust the subsequent year's costs to recover losses due to waivers. The entire billing calculation is illustrated in the following example which calculates hypothetical costs for the natural gas program for two fiscal years:

[Dollars in thousands]

Line		1987	1988
	Billing basis:		
1	Prior Fiscal Year's Program Cost	49,300	49,000
2	Adjustment Based on Current Year Program Changes		
3	Filing Fees Adjustment (Subtract estimated filing fees collected for gas program)	−12,000	−12, 200
4	Correction for prior year Over- or Undercollection	...	400
5	Billing Basis	37,300	36,400
6	Waivers	−100	
7	Amount Collected (from annual charges)	37,200	
	Actual Costs (Calculated after end of Fiscal Year):		
8	Actual Costs for Program	49,000	
9	Filing Fees Adjustment (using actual filing fee receipts)	−12,200	
10	Actual Net Costs	36,800	
11	Over- or Undercollection—Difference between Amount Collected (Line 7) and Actual Net Costs (Line 10)	+400	

In the above example, to arrive at the billing basis for FY 1987, the Commission would start with the prior year's actual costs for the natural gas program, hypothetically $49.3 million (line 1). Next, the Commission would adjust for current year program changes (line 2). While there is no adjustment in this example, and adjustment could be expected if there were a significant change, such as the need to request a supplemental budget increase from Congress.

Next, the Commission would deduct estimated filing fee collections. The estimate would be based on prior year's collections, with possible adjustments to take into account the changes in the amount of filing fees published each year.[29] In the above example, the adjustment is $12 million (line 3). The adjustment on line 4 does not apply to the first year of annual changes, but will be discussed below in relation to FY 1988 costs. The billing basis of $37.3 million (line 5) would be divided among the pipeline companies in annual charges by the proposed method described in Part IV of this Notice.

The Commission may grant waivers of annual charges after billing. In this example, the Commission granted $100,000 in waivers (line 6), and thus would collect $37.2 million in annual charges from pipelines during the fiscal year (line 7).

After the end of the fiscal year, the Commission would calculate actual costs and compare them to the amount collected. In the example, actual costs for the program were $49.0 million (line 8) and actual filing fees received were $12.2 million (line 9). Therefore, actual net costs (line 8 less line 9) were $36.8 million (line 10). In this example, the amount collected from annual charges (line 7) exceeded actual net costs (line 10) by $4000,000 (line 11). In establishing the FY 1988 billing basis, the Commission would reduce the estimated costs by this amount (line 4, second column).[30]

As an alternative to the final step in the above process, the Commission has considered issuing refund checks and supplemental charges once it has the actual year-end data with which to compute whether, and by how much, each company has over- or underpaid. The Commission is not proposing this approach because of the administrative burden involved in issuing and accounting for two sets of bills each year. However, the Commission is considering the following similar alternative. First, the Commission would estimate program costs, reduce those costs by estimates of filing fee collections, and bill companies on the net cost basis, as in the proposed method. Then, when actual costs and filing fee collections are available after the end of the fiscal year, the Commission would recalculate the bills, compare actual collections from individual companies to the recalculated bills for those companies, and carry over any difference as debits and credits onto the next year's bills. Under this approach, the adjustment for over- or undercollection of costs (line 4 in the preceding table) would not be necessary. Such an adjustment would automatically result from the Commission recalculating bills and crediting or debiting individual companies' annual charges in the following year.

[28] *See* House Budget Report at 55, 1986 U.S. Code Cong. & Ad. News at 3651; H.R. 5300, 99th Cong., 2d Sess. Section 4101(e) (1986).

[29] *See* 18 CFR 381.104 (1986).

[30] *See* authority cited *supra* note 28.

E. Standards for Waiving All or Part of an Annual Charge

The Commission proposes to apply to annual charges the standards for waiver currently applicable to filing fees. The Commission's current regulations permit a company to seek a waiver of a filing fee if it can show that it is economically unable to pay all or part of the fee or that such payment would place it in financial distress or emergency.[31] The Commission believes that this stringent standard is appropriate because any charges waived for one company must be paid in the following year by the program's remaining regulated companies, due to the Budget Act's requirement that the Commission recover *all* its costs.

The Commission proposes that any requests for waiver of annual charges be received before the bill is due (*i.e.*, within 45 days after the billing date) and be based upon sufficient financial data for the Commission to make its decision. The Director of the Office of Pipeline and Producer Regulation, the Oil Pipeline Board, and the Director of the Office of Electric Power Regulation would be delegated the authority to rule on waiver requests in the gas, oil and electric areas respectively.

F. Other Matters

The Commission proposes to provide a 45-day period for payment of annual charges, and to assess interest on overdue annual charges. Such interest will be computed in accordance with § 154.67(c)(iii) of the Commission's regulations.[32] The Commission also proposes that it may refuse to process any application or consider any other filing of a company which has annual charges or interest amounts in arrears, unless a petition for waiver is pending, or take any other appropriate action permitted by law.

IV. Cost Basis for the Natural Gas Regulatory Program

A. Overview of the Commission's Responsibilities

The Commission's authority to regulate the natural gas industry derives from the Natural Gas Act (NGA) [33] and the Natural Gas Policy Act of 1978 (NGPA).[34] Pursuant to these two Acts, the Commission regulates sales and transportation of gas by about 148 interstate natural gas pipelines and some aspects of the sales of gas by approximately 9,700 natural gas producers. The Commission is responsible for ensuring the lowest reasonable rates for the sale and transportation of natural gas consistent with safe and reliable long-term service.[35] The NGA provides for the issuance of certificates of public convenience and necessity for the transportation and sale for resale of natural gas in interstate commerce and the construction and operation of facilities therefor, the grant of abandonment authority for such facilities and services, and the establishment of rates for those services.[36] The NGPA deregulates a major portion of the gas wellhead market, establishes ceiling prices for certain categories of natural gas production in interstate and intrastate commerce that remain regulated, and authorizes the Commission to permit interstate and intrastate pipelines to transport gas in interstate commerce outside the restriction of the Natural Gas Act. Finally, the Secretary of Energy has delegated to the Commission a portion of the responsibility under the Natural Gas Act for the regulation of imports or exports of natural gas.

B. The Types of Companies To Be Billed

The Commission proposes to assess annual charges only against interstate natural gas pipelines, and to continue to collect all the IOAA filing fees it currently assesses against natural gas producers, and interstate and intrastate pipelines.[37] However, the Commission is considering whether it should also assess annual charges against producers and/or intrastate pipelines.

The Commission could assess annual charges against the 107 interstate natural gas pipelines that receive authority to transport natural gas across state lines pursuant to section 311 of the NGPA.[38] However, the Commission estimates that such companies already pay in filing fees $1.7 million of the approximately $1.8 million in the gas program cost attributable to the implementation of section 311 with respect to interstate pipelines. These companies have therefore already reimbursed the Commission for nearly all of their share of the regulatory expenses, and the Commission considers the collection of the remaining $100,000 in costs from over 100 pipelines to be administratively burdensome.[39] Moreover, the Commission does not wish to discourage such intrastate pipelines from voluntarily seeking section 311 authorization. For these reasons, the Commission does not propose to assess annual charges against section 311 intrastate pipelines.

Similarly, the Commission is not proposing to assess annual charges against producers. Although the Conference Report indicates that Congress intended to give the Commission the discretion to assess charges against any natural gas company it regulates, the legislative history also indicates that its primary focus was on natural gas pipelines.[40] In fact, the House Budget Report expressly placed on the gas pipelines the burden of the Commission's "cost of administering *all* aspects of the Natural Gas Policy Act of 1978." [41] Therefore, while the Budget Act may authorize the Commission to collect charges from producers, the Commission clearly has the discretion to exclude producers for good cause.

The Commission believes that fairness and equity require that the consumers pay for that portion of the producer regulatory costs that is not already reimbursed through filing fees. The unreimbursed portion in FY 1986 was $10.6 million out of the $12.9 million in the Commission's expenses attributable to the regulation of producers. The benefits of such regulation inure to the consumers in the form of reasonable prices and adequate supplies of natural gas. The most direct way for the Commission's regulatory expenses to reach the consumers is for pipelines to be assessed the charges and to pass them through to the consumers in their rates.[42]

Finally, the Commission believes that the administrative burden of attempting to collect the approximately $10 million from more than 9,000 producers would be severe and disproportionate to any countervailing benefits.

The Commission notes that it does not presently maintain a list of all producers and does not collect a complete body of data by which it could identify such

[31] 18 CFR 381.106 (1986).

[32] 18 CFR 154.67(c)(iii) (1986).

[33] 15 U.S.C. 717–717w (1982).

[34] 15 U.S.C. 3301–3432 (1982).

[35] NGA 4, 15 U.S.C. 717c (1982).

[36] NGA 4, and 7, U.S.C. 717c and f (1982).

[37] For purposes of this rulemaking, an interstate natural gas pipeline is defined as any person (1) engaged in natural gas sales for resale or natural gas transaction that are subject to the Commission's jurisdiction under the NGA, and (2) not engaged solely in "first sales" of natural gas as that term is defined in section 2921) of the NGPA, 15 U.S.C. 3302(21) (1982). Based on FY 1986 data, the Commission would expect to collect $49.3 million in filing fees and annual charges in 1987.

[38] 15 U.S.C. 3371 (1982).

[39] *See* authority cited *supra* note 16.

[40] Conference Report at 239, 1986 U.S. Code Cong. & Ad. News at 3884.

[41] House Budget Report at 54, 1986 U.S. Code Cong. & Ad. News at 3650 (emphasis added).

[42] *See* Senate Budget Report at 74, stating that "the Commission will establish a mechanism whereby regulated companies may include these fees and annual charges in their rates."

producers. While the Commission is provided some volumetric data by pipelines in their purchased gas adjustment filings, such data would only reflect the volumes sold to the pipelines, but not the increasingly large volumes sold to local distribution companies and end users under limited-term abandonments [43] and Order Nos. 436 and 451.[44] While some producers inform the Commission of the sales volumes when they file reports required by the Commission's orders granting limited-term abandonments, such figures do not distinguish between jurisdictional and nonjurisdictional gas sold. Thus, in order accurately to assess annual charges against producers, the Commission would need to collect additional data from them—an unjustified burden given the fact that the expenses can be passed through more efficiently and directly to the ultimate beneficiary, the consumer, through pipeline rates. For all these reasons, the Commission does not propose to assess filing fees against gas producers.

Another alternative would be to require interstate pipelines to serve as agents for assessing and collecting annual charges from their producer-sellers. Under this alternative, the Commission would inform each pipeline of those costs it would be entitled to recover from producers, and each natural gas pipeline would then have to make some sort of adjustment with each of its producer-sellers. The Commission's calculations of recoverable costs would be based on the volumetric data currently reported in FERC Form No. 2 at page 518, lines 6–9, column c, and page 327, lines 1, 3, 4 and 5, column b. Similar data requirements would have to be added for Form Nos. 2–A and 14. However, the Commission is reluctant to impose such an additional reporting burden.

As of September 30, 1985, the Commission regulated 148 such pipelines under section 7 of the NGA.[45] Of these pipelines, the Commission proposes to assess annual charges against the following groups (currently totalling 135 pipelines):

(a) Interstate natural gas pipelines that have certificates of public convenience and necessity under section 7 of the NGA, that are subject to Commission NGA section 4 authority, and that sell and transport volumes in excess of 200,000 Mcf annually for any of the three calendar years immediately preceding the billing year (currently 114 pipelines);

(b) Interstate natural gas pipelines that have certificate authority under section 7 of the NGA but no tariff on file for jurisdictional or nonjurisdictional sales and that sell and transport volumes in excess of 200,000 Mcf annually for any of the three calendar years immediately preceding the billing year (currently 13 pipelines);

(c) Regulated interstate natural gas pipelines that have NGA section 7(f) declarations and that sell and transport volumes in excess of 200,000 Mcf annually for any of the three calendar years immediately preceding the billing year (currently 3 pipelines); and

(d) LNG importers that fall within the Commission's jurisdiction pursuant to both sections 3 and 7 of the NGA and that sell and transport volumes in excess of 200,000 Mcf annually for any of the three calendar years immediately preceding the billing year (currently 5 pipelines).

The Commission proposes to exempt any interstate natural gas pipelines with sales and transportation volumes of 200,000 Mcf or less annually in each of the three calendar years immediately preceding the billing year (currently 13 pipelines). The Commission is interested in comments regarding its categorization.[46]

1. *Companies to be Billed.* Consistent with the Conference Report,[47] the Commission is proposing to assess annual charges against those companies over which it has jurisdiction under section 7 of the NGA.

(a) Interstate natural gas pipelines apply for certificates for the transportation and sale of natural gas for resale in interstate commerce under section 7 of the NGA. One-hundred twenty-one companies, excluding LNG importers but including gatherer-type pipelines, have certificates under NGA section 7 are also subject to the Commission's NGA section 4 rate regulatory authority. The Commission proposes to assess annual charges against the companies in this group with sales and transportation volumes exceeding 200,000 Mcf annually for any of the three calendar years immediately preceding the billing year.

(b) Section 1(b) of the NGA provides, in part, that the sale for resale of natural gas for ultimate public consumption is jurisdictional. This usually involves the sale of natural gas to a local distribution company (LDC) the facilities and services of which are under state or local jurisdiction. The Commission has authority to set rates for sales to LDCs pursuant to section 4 of the NGA. However, some natural gas pipeline companies make sales to companies that use the natural gas for their own consumption. These sales are referred to as direct sales. Although the Commission does not set rates for these sales because they are not regulated under section 4 of the NGA, the construction and operation of facilities to render services and the transportation of natural gas in interstate commerce are subject to the Commission's jurisdiction under section 7 of the NGA. Consistent with the scope of the Commission's NGA jurisdiction, the Commission proposes to assess annual charges on all sales volumes, *i.e.*, both the volumes sold for resale and the volumes transported in interstate commerce for direct sale. Seventeen such interstate pipeline companies currently have certificate authority but no tariff on file. If the Commission were using 1985 data to assess annual charges, it would exempt four pipelines on a volumetric basis (200,000 Mcf or less per year for each of the three immediately preceding calendar years) and assess the remaining 13 pipelines an annual charge. The Commission proposes to calculate the charges based upon total transportation and sales volumes.

(c) Under section 7(f) of the NGA, a natural gas pipeline may enlarge or extend its facilities to satisfy increased market demands without prior Commission authorization. Five regulated pipelines, not already included in sections (a) and (b) above, currently have section 7(f) declarations. These are natural gas companies under the NGA that perform a distribution function across state lines. For example, under section 7(f) of the NGA, Washington Gas Light Company (which serves the Washington, D.C., metropolitan area in Virginia, Maryland and the District of Columbia) can change its facilities and services for the purpose of increasing its market demand without prior Commission authorization. If the Commission were basing its annual charges assessments on 1985 data, it would exempt two of these pipelines because they have not sold and transported more than 200,000 Mcf annually for any of the last three calendar years. The remaining three pipelines would be required to pay an annual charge.

[43] *See* Felmont Oil Corp. and Essex Offshore, Inc., 33 FERC ¶ 61,333 (1985), *reh. denied*, 34 FERC ¶ 61,296 (1986).

[44] Order No. 436, 50 FR 42408 (October 18, 1985), FERC Stats. & Regs. (Regulations Preambles 1982–1985) ¶ 30,665. Order No. 451, 51 FR 22168 (June 18, 1986), III FERC Stats. & Regs. (Regulations Preambles) ¶ 30,701.

[45] The 1985 figure is the most current total available as of the issuance date of this Notice. However, a 1986 figure should be available for use in identifying natural gas pipelines to be assessed annual charges for fiscal year 1987.

[46] In Appendix B, the Commission segregates the companies into the above categories based on the most current information in the Commission's files.

[47] Conference Report at 239, 1986 U.S. Code Cong. & Ad. News at 3884.

(d) Under the DOE Organization Act,[48] regulatory authority involving natural gas imports and exports is vested in the Secretary of Energy. The Secretary has delegated to the Commission the authority to regulate the use of domestic facilities for the sale or transportation of imported natural gas. One source of natural gas used to supplement national supplies is imported liquefied natural gas (LNG). An LNG importer is subject to the Commission's jurisdiction through section 3 of the NGA.[49] Pursuant to that section, an LNG importer files with the Commission a Form No. 14 indicating the total LNG volumes transported. The Commission is proposing to assess annual charges against importers which are subject to the Commission's NGA section 3 jurisdiction and which file a Form No. 14, only if the companies are also subject to the Commission's NGA section 7 jurisdiction. In addition, the Commission proposes to assess annual charges against only those importers which sell or transport more than 200,000 Mcf per year in any of the three calendar years immediately preceding the billing year. There are currently five companies in this category.[50]

2. *Pipeline Companies to be Exempted.* The Commission proposes to exempt natural gas pipelines with annual sales and transportation volumes of 200,000 Mcf or less in each of the three years immediately preceding the billing year.

The Commission does not currently collect the volumetric data necessary to accurately assess annual charges against such smaller pipelines. Even if these pipelines sold and transported the maximum exempt volume of 200,000 Mcf, they would each still be assessed only a $380 annual charge (using the method of calculation detailed in Part IV C below).[51] The maximum annual amount that could be collected from all thirteen companies would thus be only $4,940 (13 x $380). The collection of this minimal amount of money from the limited number of companies involved does not appear to warrant changing the existing reporting requirements. The Commission therefore proposes to exempt such small pipelines from the requirement of paying an annual charge.

C. Overview of the Annual Charges Formula

In keeping with the Conference Report,[52] the Commission is proposing to assess annual charges based on the pipelines' annual sales and transportation volumes. The Commission believes that the most representative sales and transportation volume can be found in FERC Form No. 2 from the sum of Line 42, *Total Sales* and Line 46, *Total, Gas Transported or Compressed for Others*, page 521 (Line 11 plus applicable transportation volumes in lines 13–15, Page 18 of Form No. 2A). For importers, FERC Form No. 14, Line 13 of Schedule I, Natural Gas, and Line 13 of Schedule II, LNG, provide this information.

The Commission proposes to apportion the its gas program costs among the 135 natural gas pipeline companies based upon the relation each company's total sales and transportation volume subject to Commission's regulation bears to the total sales and transportation volume subject to Commission regulation of all natural gas pipeline companies being assessed annual charges. Specifically, the Commission proposes to:

(1) Subtract all producer and pipeline filing fee collections from total gas program costs, to yield collectible gas program costs.

(2) Divide collectible gas program costs by the amount of gas sold and transported by all billable gas pipelines,[53] to yield the charge per Mcf.

(3) Multiply the charge per Mcf by the amount of gas sold and transported by each individual gas pipeline, to yield each individual pipeline's annual charge.

The Commission is also considering the alternative of subtracting only producer and wellhead fees from the total gas cost (a variation of step 1 above), and allowing company-specific credits for pipeline fees paid. Under this alternative, natural gas pipelines which are also natural gas producers would not be permitted to offset their annual charges with filing fees paid in their capacity as producers. To permit such a credit would place the pipeline-producer at a competitive advantage over its pipeline and producer competition, and would therefore not be "fair and equitable." The Commission invites comments on both approaches.

D. Other Matters

The Commission is proposing to authorize the Director of the Office of Pipeline and Producer Regulation to rule on petitions for waiver of the annual charges and would grant waivers to those companies which meet the standards for waiver currently applicable to filing fees.[54]

The Commission is also proposing to allow natural gas pipelines to include annual charges in their Administrative and General Expenses Account No. 928, Regulatory Commission Expenses, of the Commission's Uniform System of Accounts.[55] The Commission considers annual charges to be a cost of doing business for the gas pipelines.

Under §§ 381.107 and 381.206 of its regulations the Commission annually bills the Gas Research Institute (GRI) for processing its Research Demonstration and Development Budget.[56] The

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[48] 42 U.S.C. 7101–7352 (1982).

[49] 15 U.S.C. 717b (1982).

[50] The Commission notes that it is not including in its universe of interstate natural gas pipelines the twelve companies that import or export natural gas under section 3 of the NGA and whose business is intrastate in nature. Persons required to file for authority to import or export natural gas under section 3 of the NGA may or may not be natural gas companies within the meaning of the Natural Gas Act. Natural gas company status is determined by whether a person transports or sells gas subject to section 7 requirements. Under the Department of Energy Organization Act and the Secretary of Energy's Delegation Orders Nos. 0204–111 (49 FR 6684, 6690 (February 22, 1984), 5 Fed. Energy Guidelines (CCH) ¶ 70,033) and 0204–112 (49 FR 6684, 6690–6691 (February 22, 1984), 5 Fed. Energy Guidelines (CCH) ¶ 70,034), the primary jurisdiction under section 3 lies with Department of Energy's Economic Regulatory Administration (ERA). The Commission has the authority only to approve or disapprove the siting and construction of new facilities, and to issue a Presidential Permit under E.O. 10485 for facilities on an international boundary. 3 CFR 970 (1949–1953 compilation), 18 FR 5397 (September 9, 1953), *reprinted in* 15 U.S.C. 717b note (1982), *amended by* 3 CFR 136 (1979), 43 FR 4957 (February 7, 1978), *reprinted in* 42 U.S.C. 7151 note (1982). Because of this joint authority for section 3 filings and the fact that import authority can be authorized by ERA without the necessity for a filing with the Commission, the Commission proposes not to assess annual charges against companies which fall under the Commission's jurisdiction solely due to section 3 of the NGA and the filing requirements of Part 153 of the Commission's regulations. 18 CFR Part 153 (1986). Based on 1985 data, there are currently twelve such companies.

[51] This estimated annual charge figure is calculated by multiplying 200,000 Mcf by $.0019 per Mcf. This latter number is obtained by dividing the annual cost of the natural gas program less filing fees in fiscal year 1986 ($41,266,000) by the total sales and transportation volumes of jurisdictional gas reported for calendar year 1985 (21,464,897 MMcf).

[52] Conference Report at 239, 1986 U.S. Code Cong. & Ad. News at 3884.

[53] If a company does not timely provide the Mcf data, the Commission would calculate the company's annual charge based upon the Commission's estimate of the Mcf amount using other data provided on Form 2, 2A, or 14 by the company in that year or, if necessary, in a prior year. Should the company subsequently provide accurate information, the Commission would adjust the company's annual charge for the following year. This adjustment would consist of increasing or decreasing the following year's Mcf figure by the difference between the estimated and actual figures.

[54] *See supra* Part III E.

[55] 18 CFR Part 201 (1986). *See generally* Senate Budget Report at 74.

[56] 18 CFR 381.107 and 381.206 (1986). *See generally* Gas Research Institute, 36 FERC ¶ 61,395 (1986).

Commission will continue to bill GRI, with the amounts collected from GRI to be subtracted from the overall costs of the natural gas program.

V. Cost Basis for the Oil Pipeline Regulatory Program

A. Overview of the Commission's Responsibilities

The Commission currently regulates 137 common carrier oil pipelines.[57] Under the Commission's oil pipeline program, companies that provide transportation of crude oil and petroleum products in interstate commerce are subject to regulation under the Interstate Commerce Act (ICA).[58]

The Commission is responsible for determining whether transportation rates on file are just and reasonable to shippers and consumers, and also supply adequate incentives for the expansion of oil pipeline systems. The responsibility for overseeing oil pipeline rates was transferred to the Commission from the Interstate Commerce Commission pursuant to section 306 of the Department of Energy Organization Act of 1977.[59] Jurisdictional companies file an Annual Report FERC Report No. 6 with the Commission.[60]

B. The Types of Companies to be Billed

The Commission proposes to assess annual charges against all oil pipelines which are required to file an Annual Report FERC Form No. 6 with the Commission pursuant to section 20 of the ICA [61] and § 357.2 of the Commission's regulations.[62] The Commission does not propose to exempt any oil pipelines from the payment of annual charges. Instead, the Oil Pipeline Board would be authorized to rule on petitions for waiver of the annual charges, and would grant waivers to those companies which meet the standards currently applicable to fees.[63]

The Commission notes that its review of DOE remedial orders (ROs) and adjustment request denials (RAs) are, for administrative convenience, currently included in the oil pipeline budget decision unit for TDRS reporting purposes (and are therefore included in the oil pipeline program's costs). The Commission proposes to continue to collect filing fees for ROs and RAs. However, because these appeals are completely unrelated to the Commission's oil pipeline program, the Commission believes that it would be inequitable to assess the oil pipelines the portion of the expense of administering these appeals which is not recouped through filing fees. The Commission therefore proposes to treat DOE appeal costs as indirect expenses and to apportion them among the gas, oil and electric programs (as described in Part III B 2 above).[64]

C. Overview of the Annual Charges Formula

Each oil pipeline reports to the Commission in its Annual Report FERC Form No. 6 the amount of barrels delivered, barrel-miles transported,[65] and operating revenue received each year.

The Commission initially considered apportioning the program's expenses based on the number of barrels delivered by the pipelines.[66] Such an approach would be consistent with the volumetric approaches used to compute natural gas pipelines' and electric utilities' annual charges. However, with regard to transportation of oil, this alternative would result in disproportionately high annual charges assessed against companies with short pipelines because it would not take into account the distance which the pipelines transported the delivered oil. A short-pipeline company moving a particular volume one mile would be assessed the same annual charge as another company moving the same volume 100 miles over a longer pipeline. This could result in inequitable assessments of annual charges.[67]

The Commission has also considered apportioning the program's expenses based on the number of barrel-miles transported. In their Annual Report FERC Form No. 6 (line 33a of page 600), the companies currently provide the Commission with the number of trunkline barrel-miles. However, Form No. 6 currently does not require reporting of gathering-line barrel-miles. The Commission's data for calculating annual charges based upon barrel-miles would thus be incomplete unless the Commission imposed additional filing requirements on the oil pipelines, a step which the Commission is reluctant to take. Moreover, use of trunkline barrel-miles could lead to an inequitable assessment of annual charges.[68]

Given the problems with assessing annual charges based on either the barrels delivered or barrel-miles, the Commission is proposing to apportion costs among oil pipelines based on each company's operating revenues. While not a volumetric approach, this procedure is consistent with the Conference Report which provides that the annual charges should be assesed on the basis of "annual sales or volumes transported" [69] because annual operating revenues are directly related to the annual transportation services which generate those revenues. The Commission believes that apportioning the annual charges based on this figure would fairly and equitably distribute the oil program costs.

The Commission proposes to apportion its oil program costs among the oil pipeline companies based upon the relation each company's annual operating revenue bears to the total annual operating revenue for all oil pipeline companies being assessed annual charges. Specifically, an individual company's annual charge would be calculated as follows:

(1) Subtract all oil pipeline fee collections from total oil program costs, to yield collectible oil program costs.

(2) Divide the collectible oil program costs by the total oil companies' operating revenue (FERC Form No. 6, page 114, line 1, column

[57] These companies are listed in Appendix C.

[58] 49 U.S.C. 1–27 (1976).

[59] 42 U.S.C 7155 (1982).

[60] 18 CFR 357.2 (1986).

[61] 49 U.S.C. 20 (1976).

[62] 18 CFR 357.2 (1986). Based on FY 1986 data, the Commission would expect to collect $4.4 million in filing fees and annual charges from oil pipelines in 1987.

[63] *See supra* Part III E.

[64] The estimated filing fee receipts for RO and RA cases in fiscal year 1987 totals $223,000, while the estimated expense for administering those cases totals $1,148,000.

[65] A barrel-mile is one barrel of oil or petroleum product moving one mile.

[66] Oil pipelines do not themselves own the commodity being transported, but provide only a transportation service.

[67] For instance, based on 1985 data, LOCAP, Inc. and Interstate Storage & Pipe Line Corporation (both short lines) would be responsible for paying 1.2 and 1.6 percent respectively of the oil program budget. If these companies' annual charges were based upon the two other approaches discussed below (barrel-miles and operating revenue), their charges would be dramatically lower. LOCAP would pay only .00027 percent and .206 percent respectively. Interstate would pay only .018 percent under the operating revenue approach. The Commission currently has insufficient data to calculate Interstate's percentage based on barrel-miles.

[68] For instance, Colonial Pipeline Company, which very rarely makes filings with the Commission, would be required to pay over 21 percent of the Commission's oil program budget, based on that company's barrel-mile throughput for calendar year 1985. Similarly, Lakehead Pipe Line Company would be required to pay 12 percent of that program's budget. If these companies' annual charges were based upon barrels delivered or operating revenues, their charges would be markedly lower. Colonial would pay only 5.3 and 6.8 percent respectively, and Lakehead would pay only 3.9 and 2.9 percent respectively.

[69] Conference Report at 239, 1986 U.S. Code Cong. & Ad. News at 3884.

c),[70] to yield the charge per dollar of operating revenue.

(3) Multiply the charge per dollar of operating revenue by each individual company's operating revenue, to yield each individual company's annual charge.

The Commission invites comments on the three methods of assessment discussed above, as well as any other methods which the commenters wish the Commission to consider.

D. Other Matters

The Commission proposes that the oil pipelines will be allowed to include annual charges in their Operating Expense Account No. 510, Supplies and Expenses, of the Commission's Uniform System of Accounts.[71] The Commission considers annual charges to be a cost of doing business for the oil pipelines.

VI. Cost Basis for the Electric Regulatory Program

A. Overview of the Commission's Responsibilities

As described more fully below, the Commission's electric power regulation program includes administering the provisions of the Federal Power Act (EPA) [72] concerning the activities of investor-owned utilities (IOU's); discharging its responsibilities under various statutes involving the Federal Power Marketing Agencies (PMAs); and implementing various provisions of the Public Utility Regulatory Policies Act of 1978 (PURPA) [73] involving cogenerators and small power producers.

Pursuant to section 205 of the FPA,[74] the Commission regulates the rates and terms and conditions of service of public utilities making sales for resale or transmitting electric energy in interstate commerce. All jurisdictional rates must be on file with the Commission, and any rate change may be approved by the Commission only if it is just and reasonable and not unduly discriminatory or preferential. Under section 206 of the FPA,[75] the Commission may, after hearing, change any rate if it finds the rate to be unjust, unreasonable, unduly discriminatory or preferential.

The Commission also regulates certain corporate activities of public utilities pursuant to the FPA. Under section 203,[76] the Commission reviews applications filed by public utilities seeking to acquire, merge or otherwise dispose of jurisdictional facilities, if the net original cost of the facility exceeds $50,000. The Commission's authority under this section extends to the review of acquisitions of the securities of one public utility by another. Pursuant to section 204,[77] the Commission reviews the proposed security issues of jurisdictional electric utilities whose securities are not regulated by a State commission, within the meaning of subsection (f) of section 204. Finally, section 305(b) [78] gives the Commission jurisdiction to authorize individuals to hold concurrently the positions of officer or director of a public utility and officer or director of a financial institution which underwrites or participates in the marketing of public utility securities or a firm which is a supplier of electrical equipment.

The Commission also reviews the rates established by the Department of Energy for the five federally-owned PMAs (Bonneville Power Administration (BPA), Alaska Power Administration, Southeastern Power Administration, Southwestern Power Administration, and Western Power Administration). While regulation of IOU rates is guided by the FPA, regulation of the PMAs' rates is subject to the standards enumerated in a number of other statutes.[79] Essentially, the statutes require that the rates established by the PMAs must be devised with regard for the recovery of the cost of generation and transmission of electric energy, the encouragement of the most widespread use of the power, the provision of the lowest possible rates to customers consistent with sound business principles, and the protection of the interests of the United States in amortizing its investment in the project within a reasonable period of time. The Commission is also authorized, pursuant to the Regional Act, to review the Average System Cost methodology used to determine rates for exchange sales by utilities to BPA.

Section 210 of PURPA [80] requires the Commission to prescribe rules to encourage small power production and cogeneration of electricity. In particular, the section directs the Commission to adopt rules requiring utilities to purchase power from and sell power to qualifying cogeneration and small power production facilities (QFs). The Commission reviews applications filed by cogenerators and small power producers requesting QF certification, and either grants or rejects such applications based on critera set forth in the Commission's regulations.[81]

B. The Types of Companies to be Billed

The Commission's responsibilities in the electric utility program extend to approximately 176 IOUs including parent, subsidiary and affiliated utilities. Specifically, the Commission proposes to assess annual charges against those IOUs which have rate schedules on file with the Commission for sales for resale and coordination (interchange out and transmission delivered) services to municipal or cooperative electric utility systems, PMAs or other IOUs; and those IOUs required to file with the Commission the Form No. 1 (Major Utilities) or Form No. 1–F (Non-Major Utilities) reports.[82]

As described above, the Commission's responsibilities in the electric utility program also extend to the five federally-owned PMAs. The Commission proposes to exempt the PMAs from the payment of annual charges. Section 3401 of the Budget Act does not specify the entities to be made subject to annual charges, but the Conference Report suggests that Congress intended the Commission to use the scope of the House bill as a guide.[83] The House Budget Report indicated that, under the House bill, the entities to be charged would include "interstate natural gas pipelines, interstate oil pipeline carriers and *public utilities*." [84] The House bill, in turn,

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[70] If a company does not timely provide the operating revenue data, the Commission is proposing to calculate the company's annual charge based on the Commission's estimate of the operating revenue using other data provided on FERC Form No. 6 by the company in that year, or, if necessary, in a prior year. Should the company subsequently provide the information, the Commission would adjust the company's annual charge in the following year. This adjustment would consist of increasing or decreasing the following year's operating revenue figure by the difference between the estimated and actual figures.

[71] 18 CFR Part 352 (1986). *See generally* Senate Budget Report at 74.

[72] 16 U.S.C. 792–828c (1982).

[73] 16 U.S.C. 2601–2645 (1982).

[74] 16 U.S.C 824d(a) (1982).

[75] 16 U.S.C 824e (1982).

[76] 16 U.S.C 824b (1982).

[77] 16 U.S.C 824c (1982).

[78] 16 U.S.C 825d(b) (1982).

[79] The Flood Control Act of 1944, 16 U.S.C. 825s (1982); the Federal Columbia River Transmission System Act, 16 U.S.C. 838g (1982); the Pacific Northwest Power Preference Act, 16 U.S.C. 837 (1982); the Pacific Northwest Electric Power Planning and Conservation Act of 1980 (Regional Act), 16 U.S.C. 839 (1982); the Bonneville Project Act, 16 U.S.C. 832f (1982); and the Reclamation Act of 1939, 43 U.S.C. 485h (1982); the Department of Energy Organization Act, 42 U.S.C. 7101 (1982); see also DOE Delegation Order No. 0204–108, 48 55,664 (December 14, 1983); and 18 CFR Parts 300 and 301 (1986).

[80] 16 U.S.C 824a–3(a) (1982).

[81] 18 CFR Part 292 (1986).

[82] These companies are listed in Appendix D. Based on FY 1986 data, the Commission would expect to collect $21.9 million in 1987 in annual charges from the IOU's and in filing fees.

[83] Conference Report at 239, 1986 U.S. Code Cong. & Ad. News at 3884.

[84] House Budget Report at 54, 1986 U.S. Code Cong. & Ad. News at 3650 (emphasis added). *See*

Continued

defined "public utility" to have "the same meaning given such term by section 201(e) of the FPA, except that such term does not include a qualifying small power producer or a qualifying cogenerator." [85] Section 201(e) of the FPA defines "public utility" as "any person who owns or operates facilities subject to the jurisdiction of the Commission under this Part . . . ." [86] However, section 201(f) of the FPA provides that, "[n]o provision of this Part shall apply to , or be deemed to include, the United States, a State or any political subdivision of a state, or any agency, authority, or instrumentality of any one or more of the foregoing. . . . " [87] Therefore, as the Federal PMAs are not considered "public utilities" for purposes of the FPA, the Commission believes that they cannot be considered "public utilities" for purposes of assessing annual charges pursuant to the Budget Act. This is consistent with current practice because, under the Commission's Rules of Practice and Procedure, anyone engaged in the official business of the Federal Government may be exempted from the payment of the Commission's filing fees, and, in fact, the Commission presently does not impose fees on these entities.[88] Thus, the Commission believes it is appropriate also to exempt the Federal PMAs from the payment of annual charges. The Commission specifically seeks comments on this issue.

The Commission also proposes not to assess annual charges against municipals and cooperative utility systems because as noted above, municipals are exempt from Commission jurisdiction under section 201(f) of the FPA. The Commission takes the position that it has no FPA jurisdiction over rural cooperatives either.[89] The Commission presently imposes no fees on these entities.

The Commission further proposes to exempt cogenerators and small power producers. As pointed out in the Conference Report, the Commission originally requested a specific exemption for cogenerators and small power producers because of a concern that inclusion of these entities could frustrate the Commission's mandate under PURPA to encourage small power production and cogeneration. The Conference Report indicates the congressional expectation that the Commission will "take into account this concern, as well as other appropriate concerns, in determining whether to assess fees or charges upon such power producers." [90] Indeed, as noted above, H.R. 5300 (the House bill) specifically excluded qualifying cogenerators and small power producers from its definition of "public utility." Accordingly, the Commission believes that its incurred costs in this area are more appropriately recovered through the Commission's existing filing fees.[91]

Finally, the Commission proposes not to assess annual charges against electric utilities operating in Alaska, Hawaii and those in Texas which are not subject to Commission jurisdiction because they do not make wholesale sales or transmit energy in interstate commerce.

C. Overview of the Annual Charges Formula

The Commission proposes to apportion among the individual IOUs the amount of Commission costs related to electric rate regulation based on relative sales for resale, interchange out and transmission kilowatt-hour deliveries of energy. These energy deliveries are reported in the Annual Report Forms No. 1 and 1–F filed with the Commission, and the Annual Electric Utility Report Form No. 861 filed with the EIA.[92] The Commission believes that apportionment on this basis yields a fair and equitable distribution of incurred costs for, as noted above, the Commission's rate regulation of IOUs involves the sale of wholesale electric services, and the two major types of wholesale service regulated by the Commission are requirements (sales for resale) sales and sales in coordination markets (interchange out and transmission delivered). The Commission also believes that using these levels of energy deliveries taking place on IOU systems under these two wholesale service classifications is in accord with the Conference Report indication that the annual charges should be assessed on the basis of the "annual sales or volumes transported." [93]

The respective costs associated with the two classes of service would be determined by dividing these costs by the total kilowatt-hours delivered under each class. The figures so derived would be multipled by each IOU's kilowatt-hours delivered under each class to determine each IOU's total annual assessment.

The Commission further proposes to assign to the IOUs those costs incurred by the Commission as a result of its review of PMA rates. As stated above, subsection (a) of the Budget Act provides that the Commission is to "assess and collect fees and annual charges in any fiscal year in amounts equal to all of the costs incurred by the Commission in that fiscal year." [94] The Conference Report also indicates that the Commission may waive any fee or annual charge "for good cause shown," but "if it does so, the Commission should use its authority . . . to make adjustments as necessary to ensure that it meets the requirement in subsection [a]" of section 3401 of the Budget Act. Furthermore, the Conference Report indicates that "public utilities subject to the Federal Power Act should be required to pay for the Commission's activities under the Federal Power Act and *related statutes* . . . ." [95] The statutes requiring Commission review of PMA rates may be considered "related statutes" to the Commission's rate regulation pursuant to the Federal Power Act. Therefore, the Commission believes that it must assign to the IOUs those costs related to Commission regulation of the exempted entities under the "related statutes." The Commission invites comments on this issue.

The Commission currently collects filing fees from IOUs, OFs and small power producers for services and benefits provided under the FPA and PURPA, including rate schedule and rate change filings; applications for the physical connection of facilities; applications for wheeling; applications for authorization to issue securities; applications to assume an obligation or liability as a guarantor; corporate applications involving one or more jurisdictional utilities; applications for

also Conference Report at 239, U.S. Code Cong. & Ad. News at 3884.

[85] H.R. 5300, 99th Cong., 2d Sess. 4101(h)(6) (1986).

[86] 16 U.S.C 824(e) (1982).

[87] 16 U.S.C 824(f) (1982).

[88] 18 CFR 381.108 (1986).

[89] Dairyland Power Cooperative, 37 FPC 12 (1967). *See also* Salt River Project Agricultural Improvement and Power Dist. v. FPC, 129 U.S. App. D.C. 117, 391 F.2d 470, *cert. denied sub nom.* Arkansas Valley G&T, Inc. v. FPC, 393 U.S. 857 (1968). Based on this state of the law, the Supreme Court held that states could regulate cooperatives. Arkansas Electric Cooperative Corp. v. Arkansas Public Service Comm'n, 461 U.S. 375 (1983).

[90] Conference Report at 239, 1986 U.S. Code Cong. & Ad. News at 3884.

[91] *See* 18 CFR Part 381 (1986).

[92] The classifications of delivered energy are listed at page 401 of the Form No. 1 reports under "Electric Energy Account" as (1) Interchange out (line 13); (2) Transmission delivered (line 17); and (3) Sales for resale (line 22). Sales for resale information is similarly identified in the Form No. 1–F reports on page 16, line 7, column c. Comparable information on all companies is available at Schedule II, Part 8, Energy Services and Disposition, in EIA Form No. 861.

[93] Conference Report at 239, 1986 U.S. Code Cong. & Ad. News at 3884.

[94] Budget Act, section 3401(a)(1).

[95] Conference Report at 238–239, 1986 U.S. Code Cong. & Ad. News at 3883–3884 (emphasis added).

authorization to hold interlocking positions; applications for extensions of the period for testing equipment; and applications for certification of qualifying status. The amounts received from these fees would be deducted from the total program costs before those costs are allocated among the IOU's in the form of an annual charge.

Specifically, the Commission proposes to:

(1) Subtract all electric program filing fee collections from total electric program costs, to yield the collectible electric program costs.

(2)(a) Multiply the collectible electric program costs by the proportion of time devoted to sales for resale activities, to yield the sales for resale costs.

(b) Multiply the collectible electric program cost by the proportion of time devoted to coordination sales activities, to yield the coordination sales costs.

(3)(a) Divide the sales for resale costs by the total IOU sales for resale kwh, to yield the sales for resale charge per kwh.

(b) Divide the coordination sales cost by the total IOU coordination sales kwh, to yield the coordination sales charge per kwh.

(4)(a) Multiply the sales for resale charge per kwh by each IOU's sales for resale kwh, to yield each IOU's sales for resale charge.

(b) Multiply the coordination sales charge per kwh by each IOU's coordination sales kwh, to yield each IOU's coordination sales charge.

(5) Add each IOU's sales for resale charge and coordination sales charge, to yield each IOU's total annual charge.

The Commission is considering two alternatives for allocating costs to the qualifying IOUs. The first would assess costs solely on the basis of IOU sales for resale, with no effect being given to interchange out or transmission deliveries. The second would assess costs on the basis of Commission-regulated energy deliveries but would not attempt to distinguish coordination-type services, *i.e.*, interchange out and transmission deliveries, from sales for resale. The Commission invites comments on the relative advantages and disadvantages of the proposed and alternative approaches, as well as any other approaches which the commenters wish the Commission to consider.

D. Other Matters

The Commission proposes that the IOUs will be allowed to include annual charges in their Administrative and General Expenses Account No. 928, Regulatory Commission Expenses, of the Commission's Uniform System of Accounts.[96] The Commission considers annual charges to be a cost of doing business for the IOU.

VII. Regulatory Flexibility Act

When the Commission is required by section 553 of the Administrative Procedure Act [97] to publish a notice of proposed rulemaking, it is also required by section 603 of the Regulatory Flexibility Act (RFA) [98] to prepare and make available for public comment an initial regulatory flexibility analysis, unless the Commission certifies pursuant to the RFA that the proposed rule would not have a "significant economic impact on a substantial number of small entities." [99] The RFA is intended to ensure careful and informed agency consideration of rules that may significantly affect small entities and to encourage consideration of alternative approaches to minimize harm to or burdens on small entities.

In this case, the RFA requires the Commission to analyze only the impacts on small entities that would be subject to this rule. As discussed before, this rule would only apply to three distinct classes of entities—interstate natural gas pipeline companies regulated under the NGA and the NGPA, public utilities regulated under the FPA, and interstate oil pipeline companies regulated under the ICA. However, the Commission has proposed not to assess annual charges against specific small entities, such as natural gas pipelines with annual sales and transportation volumes not exceeding 200,000 Mcf in each of the three years immediately preceding the billing year; those entities that apply for qualifying facility status under PURPA; and those entities that seek review of DOE adjustment denials and remedial orders.

Overall, the Commission does not believe that this rule will have a significant direct impact on small entities. Specifically, most, if not all, jurisdictional natural gas pipeline companies, public utilities and oil pipeline companies that would be assessed annual charges under this rule do not fall within the RFA's definition of small entity because most jurisdictional natural gas pipeline companies, public utilities and oil pipeline companies subject to this rule are too large to be considered "small entities." [100] Therefore, the Commission certifies that this rule will not have a "significant economic impact on a substantial number of small entities."

VIII. Paperwork Reduction Act Statement

The information collection provisions in this notice of proposed rulemaking are being submitted to the Office of Management and Budget (OMB) for its approval under the Paperwork Reduction Act [101] and OMB's regulations.[102] Interested persons can obtain information on the information collection provisions by contacting the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426 (Attention: Ellen Brown, (202) 357–8272). Comments on the information collection provisions can be sent to the Office of Information and Regulatory Affairs of OMB, New Executive Office Building, Washington, DC 20503 (Attention: Desk Officer for the Federal Energy Regulatory Commission).

IX. Comment Procedures

The Commission invites interested persons to submit comments, data, views, and other information concerning the matters set out in this notice. To facilitate the Commission's review of the comments, commenters are requested to provide a short summary of their position on the issues raised in this NOPR and to track the organization of this NOPR. Comments should comply with the requirements of Rule 2003.[103]

The original and 14 copies of such comments must be received by March 4, 1987. Comments should be submitted to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, and should refer to Docket No. RM87–3–000.

All written comments will be placed in the Commission's public files and will be available for public inspection in the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, DC 20426, during regular business hours.

List of Subjects

18 CFR Part 375

Authority delegations (government agencies).

18 CFR Part 382

Annual charges.

In consideration of the foregoing, the Commission proposes to amend Part 375 of, and to add Part 382 to Chapter I, Title 18, Code of Federal Regulations, as set forth below.

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[96] 18 CFR Part 101 (1986). *See generally* Senate Budget Report at 74.

[97] 5 U.S.C. 553 (1982).

[98] 5 U.S.C. 601–612 (1982).

[99] 5 U.S.C. 605(b) (1982).

[100] 5 U.S.C. 601(6) (1982).

[101] 44 U.S.C. 3501–3520 (1982).

[102] 5 CFR 1320 (1986).

[103] 18 CFR 385.2003 (1986).

By direction of the Commission.

Kenneth F. Plumb,

Secretary.

1. A new Part 382 is added to read as follows:

PART 382—ANNUAL CHARGES

Subpart A—General Provisions

Sec.
382.101 Purpose.
382.102 Definitions.
382.103 Payment.
382.104 Enforcement.
382.105 Waiver.
382.106 Accounting for annual charges paid under Part 382.

Subpart B—Assessment of Annual Charges

382.201 Annual charges under Parts II and III of the Federal Power Act and related statutes.
382.202 Annual charges under the Natural Gas Act, Natural Gas Policy Act and related statutes.
382.203 Annual charges under the Interstate Commerce Act.

Authority: Omnibus Budget Reconciliation Act of 1986, Pub. L. 99-905, Title III, Subtitle E, Sec. 3401 (Oct. 21, 1986); Department of Energy Organization Act, 42 U.S.C. 7101-7352 (1982); E.O. 12,009, 3 CFR 142 (1978); Administrative Procedure Act, 5 U.S.C. 551-557; Natural Gas Act, 15 U.S.C. 717-717w (1982); Federal Power Act, 16 U.S.C. 791a-828c (1982); Natural Gas Policy Act, 15 U.S.C. 3301-3432 (1982); Public Utility Regulatory Policies Act, 16 U.S.C. 2601-2645 (1982); Interstate Commerce Act, 49 U.S.C. 1-27 (1976).

Subpart A—General Provisions

§ 382.101 Purpose.

The purpose of this act is to establish procedures for calculating and assessing annual charges to reimburse the United States for all of the costs incurred by the Commission, other than costs incurred in administering Part I of the Federal Power Act and costs recovered through the Commission's filing fees.

§ 382.102 Definitions.

For the purposes of this part:

(a) "Natural gas pipeline company" means any person—

(1) Engaged in natural gas sales for resale or natural gas transportation subject to the jurisdiction of the Commission under the Natural Gas Act whose sales for resale and transportation exceed 200,000 Mcf at 14.73 psi (60°F) in any of the three calendar years immediately preceding the fiscal year for which the Commission is assessing annual charges; and

(2) Not engaged solely in "first sales" of natural gas as that term is defined in section 2(21) of the Natural Gas Policy Act of 1978.

(b) "Public utility" means any person who owns or operates facilities subject to the jurisdiction of the Commission under Parts II and III of the Federal Power Act and who is not a "qualifying small power producer" or a "qualifying cogenerator", as those terms are defined in section 3 of the Federal Power Act, or the United States or a State, or any political subdivision of the United States or a State, or any agency, authority, or instrumentality of the United States, a State, political subdivision of the United States, or political subdivision of a State.

(c) "Oil pipeline company" means any person engaged in the transportation of crude oil and petroleum products subject to the Commission's jurisdiction under the Interstate Commerce Act.

(d) "Natural gas regulatory program" is the Commission's regulation of the natural gas industry under the Natural Gas Act and the Natural Gas Policy Act of 1978.

(e) "Electric regulatory program" is the Commission's regulation of the electric industry under Parts II and III of the Federal Power Act and related statutes.

(f) "Oil regulatory program" is the Commission's regulation of the oil industry under the Interstate Commerce Act.

(g) "Person" means an individual, partnership, corporation, association, joint stock company, public trust, or organized group of persons, whether incorporated or not.

(h) "Sales for resale activities" means the portion of the Commission's electric regulatory program consisting of the regulation of sales of energy under contracts that do not anticipate service interruptions.

(i) "Coordination sales activities" means the portion of the Commission's electric regulatory program consisting of the regulation of all jurisdictional sales or energy except sales for resale activities.

(j) "Sales for resale kilowatt-hours" means the number of kilowatt-hours of electrical energy: (1) Sold under contracts that do not anticipate service interruptions, (2) reported as sales for resale in the Commission's Form Nos. 1 or 1-F under § 141.1 or § 141.2 of this chapter, and (3) the rates, charges, terms and conditions of which are regulated by the Commission.

(k) "Coordination sales kilowatt-hours" means the number of kilowatt-hours of electrical energy (1) sold by a public utility that are not sales for resale kilowatt-hours, (2) reported as interstate out and transmission deliveries in the Commission's Form Nos. 1 or 1-F under § 141.1 or § 141.2 of this chapter, and (3) the rates, charges, terms and conditions of which are regulated by the Commission.

(l) "Operating revenues" means the monies received by an oil pipeline company for providing common carrier services regulated by the Commission.

(m) "Fiscal year" means the twelve-month period that begins on the first day of October and ends on the last day of September.

(n) "Preceding calendar year" means the twelve-month period that begins on the first day of January and ends the last day of December and immediately precedes the fiscal year for which the Commission is assessing annual charges.

(o) "Adjusted costs of administration" means the difference between (1) the estimated costs of administering a regulatory program for each fiscal year adjusted to reflect any overcollection or undercollection of cost attributable to that regulatory program in the annual charge assessment for the preceding fiscal year, and (2) the estimated amount of filing fees collected during that fiscal year under the provisions of Parts 346 and 381 of the Commission's regulations for activities that relate to that regulatory program.

§ 382.103 Payment.

(a) Annual charges assessed under this Part must be paid within 45 days of the issuance of the bill by the Commission, unless a petition for waiver has been filed under § 382.105 of this part.

(b) Payment must be made by check, draft, money order or Electronic Funds Transfer System made payable to the United States Treasury.

(c) If payment is not made within 45 days of issuance of a bill, interest will be assessed. Interest will be computed in accordance with § 154.67(c)(iii) of this chapter, from the date on which the bill becomes delinquent.

§ 382.104 Enforcement.

The Commission may refuse to process any petition, application, or other filing submitted by or on the behalf of any person that does not pay the annual charge assessed when due, or take any other appropriate action permitted by law.

§ 382.105 Waiver.

(a) *Filing of petition.* Any person may submit a petition for waiver of the regulations in this part. An original and two copies of a petition for waiver must include evidence, such as a finanical statement, clearly showing either that the petitioner does not have the money

to pay all or part of the annual charge, or, if the petitioner does pay the annual charge, that the petitioner will be placed in financial distress or emergency. Petitions for waiver must be filed with the Commission prior to the date on which the annual charges payment is due, *i.e.*, within 45 days of issuance of the bill.

(b) *Decision on petition.* The Commission or its designee will review the petition for waiver and then will notify the applicant of its grant or denial, in whole or in part. If the petition is denied in whole or in part, the annual charge becomes due 30 days from the date of notification of the denial.

§ 382.106 Accounting for annual charges paid under Part 382.

(a) Any natural gas pipeline company subject to the provisions of this Part must account for annual charges paid by charging the amount to Account 928, Regulatory Commission Expenses, of the Commission's Uniform System of Accounts.

(b) Any public utility subject to the provisions of this Part must account for annual charges paid by charging the amount to Account 928, Regulatory Commission Expenses, of the Commission's Uniform System of Accounts.

(c) Any oil pipeline company subject to the provisions of this part must account for annual charges paid by charging the amount to Account 510, Supplies and Expenses, of the Commission's Uniform System of Accounts.

Subpart B—Assessment of Annual Charges

§ 382.201 Annual charges under Parts II and III of the Federal Power Act and related statutes.

(a) *Determination of costs to be assessed.* The adjusted costs of administration of the electric regulatory program will be be apportioned between sales for resale activities and coordination sales activities in proportion to the total staff time dedicated to each. The amount apportioned to sales for resale activities will constitute "sales for resale costs," and the amount apportioned to coordination sales activities will constitute "coordination sales costs."

(b) *Determination of annual charges.* (1) The sales for resale costs determined under paragraph (a) of this section will be assessed against each public utility based on the proportion of the sales for resale kilowatt-hours of each public utility in the immediately preceding calendar year to the sum of the sales for resale kilowatt-hours in the immediately preceding calendar year of all public utilities being assessed annual charges.

(2) The coordination sales costs determined under paragraph (a) of this section will be assessed against each public utility based on the proportion of the coordination sale kilowatt-hours of each public utility in the immediately preceding calendar year to the sum of the coordination sale kilowatt-hours in the immediately preceding calendar year of all public utilities being assessed annual charges.

(3) The annual charge assessed against each public utility will be the sum of the amounts determined in paragraphs (b) (1) and (2) of this section.

§ 382.202 Annual charges under the Natural Gas Act, Natural Gas Policy Act and related statutes.

The adjusted costs of administration of the natural gas regulatory program will be assessed against each natural gas pipeline company based on the proportion of the total gas subject to Commission regulation which was sold and transported by each company in the immediately preceding calendar year to the sum of the gas subject to Commission regulation which was sold and transported in the immediately preceding calendar year by all natural gas companies being assessed annual charges.

§ 382.203 Annual charges under the Interstate Commerce Act.

The adjusted costs of administration of the oil regulatory program will be assessed against each oil pipeline company based on the proportion of the total operating revenues of each oil pipeline company for the immediately preceding calendar year to the sum of the operating revenues for the immediately preceding calendar year of all oil pipeline companies being assessed annual charges.

PART 375—[AMENDED]

2. The authority citation of Part 375 is revised to read as follows:

Authority: Department of Energy Organization Act, 42 U.S.C. 7101–7352 (1982); E.O. 12,009, 3 CFR 142 (1978); Administrative Procedure Act, 5 U.S.C. 551–557 (1982).

In § 375.306, a new paragraph (j) is added to read as follows:

§ 375.306 Delegations to the Oil Pipeline Board.

* * * * *

(j) Deny or accept, in whole or part, petitions for waiver of annual charges prescribed in § 382.203 of this chapter in accordance with the standard set forth in § 382.105 of this chapter.

4. In § 375.307, a new paragraph (w) is added to read as follows:

§ 375.307 Delegations to the Director of the Office of Pipeline and Producer Regulation.

* * * * *

(w) Deny or accept, in whole or part, petitions for waiver of annual charges prescribed in § 382.202 of this chapter in accordance with the standard set forth in § 382.105 of this chapter.

5. In § 375.308, a new paragraph (v) is added to read as follows:

§ 375.308 Delegations to the Director of the Office of Electric Power Regulation.

* * * * *

(v) Deny or accept, in whole or part, petitions for waiver of annual charges prescribed in § 382.201 of this chapter in accordance with the standard set forth in § 382.105 of this chapter.

Note.—The Appendices will not be codified in the CFR

Appendix A

Overview of TDRS

The Time Distribution Reporting System (TDRS) is an agency-wide system designed to collect data each month on staff time expended in support of the Commission. The purpose of TDRS is to support the FERC fee structure and provide data on staff resource allocation for the budget. TDRS is a fiscal year based system.

Commission employees prepare report forms twice a month indicating the activities (product categories) they worked on during the period. There are two TDRS reporting periods each month; the first through the 15th and the 16th through the end of each month. At the end of each reporting period, TDRS forms are signed by the employee, reviewed and signed by the supervisor (TDRS reviewer), and forwarded to an office coordinator. The office coordinator batches the forms and submits them to the Office of Administration (OAD). OAD forwards them to a contractor for keying onto a computer tape. After the TDRS forms are keyed, the information is loaded into the FERC IBM computer and processed through a series of programs that check for complete and reasonable data.

The keyed information is checked against an employee roster to ensure that a form has been submitted for each employee; this check consists of comparing TDRS data with the FERC Staffing Plan employee roster. The FERC Staffing Plan maintains data on each Commission employee. It contains the name, organization, and type of employment, i.e., part-time or full time,

for each employee in the Commission. The source of Staffing Plan data is standard personnel forms (SF–50's) provided by the Office of Personnel. Information from the SF–50's is entered into the Staffing Plan on the Hewlett-Packard computer; Staffing Plan data is copied to the IBM for TDRS prior to each reporting period.

All of the data is then reviewed by the TDRS Edit Program. This program looks for valid work codes, appropriate number of hours per employee, valid organization codes, etc. Questionable or unacceptable records are passed to an error file and names of employees who have not submitted a TDRS form are prepared. These are reviewed and corrected by TDRS staff.

After each period's data has passed all the checks, standard and special reports are available. In addition, monthly reports on the data are published in the Management Information System Report (Red Book).

TDRS Internal Operations

1. Report Form Flow Description

At the end of each reporting period, TDRS report forms are forwarded to the Office of Administration (OAD) from employees through reviewer/supervisors and office coordinators. At each step in this process, from employee to OAD, there are levels of review designed to ensure accurate information. These steps can be broken down by individual responsibility.

Employees: Each employee is responsible for submitting a report form to their supervisor the morning after the reporting period ends. A sample TDRS form is at Appendix A. Employees who will not be in the office on that day are to submit their TDRS forms before they leave. Employees who move from one organization to another during a reporting period submit two forms; one for each organization in which they worked. Forms are submitted by all Commission employees, both full and part time, except for those in the offices of the Commissioners.

Reviewers: The reviewers are the primary check on the quality of the data submitted to TDRS. Reviewers are responsible for substantive review of the TDRS report forms. Reviewers check for budget decision units, product categories, and task codes that accurately reflect the workload of the employee; the organization code of official assignment; appropriate dates of the reporting period covered; and the number of hours worked including overtime and noncompensatory time. Reviewers make sure that a form is submitted for each employee and list names of employees who do not submit TDRS forms on the transmittal sheet.

Reviewers also complete the 'reviewer's transmittal sheet' and forward it with the package of employee report forms to the office coordinator the day after the close of the reporting period. These transmittal sheets are used by OAD to verify that each organization has submitted a forms package and by the keypunch contractor for information on the organization, reviewer name and phone number, and reporting period number and dates.

Office Coordinators: Coordinators are responsible for performing an administrative review of the batched reviewers' packages to ensure that required information is complete and accurate. Coordinators clarify illegible or questionable data before sending forms to OAD. They make sure that:

(1) Pre-printed adhesive name labels or printed employee names are on each form,
(2) organization codes are correct,
(3) reporting period dates are correct on transmittal sheets and forms,
(4) identifying codes are complete and legible,
(5) the employee has signed the form,
(6) the reviewer has signed all forms,
(7) the transmittal sheets identify information enclosed, and reviewer name and organization codes are the same for all employee forms covered by the reviewer's transmittal sheet.

Coordinators must also use a transmittal sheet; the purpose of this sheet is to bundle all forms for that office and indicate any missing forms.

All TDRS forms are due to OAD no later than noon on the second workday after the close of the reporting period.

Office of Administration: OAD is responsible for the operation and maintenance of TDRS. OAD's responsibilities fall into four areas: (1) Managing the forms, (2) updating the Staffing Plan, (3) reviewing the edit program, and (4) performing other data quality projects.

OAD collects and logs all coordinator and reviewer packages of the TDRS report forms and sends them to a keypunch contractor for data entry. Data is keyed to a computer tape by the contractor and returned the next day.

The TDRS update cycle from employee to available data requires seven work days to complete. Starting the morning after a reporting period ends, it takes 1.5 days for reviewers and coordinators to submit the forms to OAD. OAD sends the forms to keypunch on Day 2 and they are due back the afternoon of Day 3. The first edit is run overnight on Day 2 and TDRS staff begins correcting errors on Day 4. Errors are researched and corrected on Days 4 through 6, and reports are sent to reviewers to check for missing forms on Day 7.

2. Staffing Plan Description

The purpose of the Staffing Plan is to provide TDRS with an employee roster which is used to ensure that TDRS forms have been received from all staff. The Staffing Plan, which is located on the Hewlett-Packard (HP) computer, duplicates the personnel system and was originally designed as a tool for budget formulation. Since the break of the Common Support Agreement, however, financial data is no longer maintained and the primary function of the Staffing Plan is to support TDRS.

The Staffing Plan provides an employee roster which accounts for every employee in the Commission, the organization in which that employee is assigned and whether the employee is full-time, part-time or temporarily detailed to a different organization than the permanent organization.

The Staffing Plan is updated semi-monthly by TDRS staff. Pertinent employee information is extracted from personnel actions (SF–50's) provided by the Office of Personnel and entered into the system using formatted screens. The types of personnel actions which affect TDRS are accessions, terminations, transfers, details and name changes.

At the beginning of each TDRS update cycle, Staffing Plan data is extracted from the HP and moved to the IBM computer where the rest of TDRS is located. This move converts the Staffing Plan data to the format needed for TDRS (i.e., the numerical organization code used in the personnel system is converted to the required TDRS organizational acronym). This process is performed while TDRS forms are being keyed to tape.

In the TDRS master file there are two record types: (1) Name and organization and (2) work activity. The name and organization record is formatted from the Staffing Plan as described above. The work activity record is keypunched by the contractor onto a tape using the employee's TDRS form. This tape is read into the IBM computer and compared to the Staffing Plan employee roster by the edit program. This comparison of data ensures that all employees are reporting time and that it is charged to the appropriate organization.

3. Edit Program Description

The purpose of the TDRS edit program is to check the validity and reasonableness of data from the combined Staffing Plan name and organization records and the keyed TDRS forms before they can go into the TDRS master file. Data that conforms to the conditions in the edit program are passed directly to the TDRS master file. Any invalid or unreasonable data (errors) are passed to an error file. If an employee's form contains an error, all records from that form are passed into

the error file. A report which lists the error file is printed and reviewed by TDRS staff who research and correct all errors. When all errors have been corrected, the error file is empty and the TDRS update cycle is completed.

The first check made to the data is to determine if the work activity name and organization match the Staffing Plan name and organization. The name of the person, organization and status of employment (full time or part time) are compared. If they do not match, no further edits are performed and all records for that employee go to the error file to be corrected.

If the two records match, extensive edits are performed. The codes reported on the forms are compared to a master list of valid workload codes called the autodoc. The edit program checks for:

- Budget Decision Units—Do they correspond to the appropriate product categories and task codes?
- Product categories—Do they require task codes?
- Task codes—Are they required for specific product categories?
- Docket numbers—Are they used when required? Are they in READI?
- Office designator edits—Do they correspond to the employee office and task codes?
- Overtime, noncompensatory time and regular hours—Are they correctly reported? Edits on approved overtime and noncompensatory time are primarily numeric. Regular hours are checked in greater detail. For full-time employees, the number of hours reported on the TDRS report forms are checked to ensure that the correct number of hours are reported. For part-time employees, any number of hours reported are acceptable.
- Reviewer names and telephone numbers—Are they filled in?
- Holiday hours—Are they reported by full-time employees if they occur during the period?

After the data goes through the edits listed above, correct data is sent to the master file and can be accessed through standard TDRS or Adhoc reports.

4. Description of Other Data Quality Projects in TDRS

While the Staffing Plan, the TDRS edit program, and the TDRS reviewers are the mainstay of data quality in the system, other data quality measures are also part of the system. These other data quality projects are listed below:

Quarterly Validation Cycles: At the end of each fiscal quarter, TDRS staff forwards reports covering staff time by organization and lists of employees who have not submitted TDRS forms to the reviewers and supervisors. Reviewers are required to certify that the time reported for their organization accurately reflects the work performed as well as to submit any overdue forms. When all overdue forms and reviewer certifications are received, TDRS staff makes any necessary corrections to the data. After this point, no additions or changes to the quarter's data can be made as it is compressed and retired to different files to make room for the next quarter.

Keysam: Once each quarter, samples of the data keyed from the TDRS forms to computer tape by the keypunch contractor are taken to determine accuracy. For each Keysam, copies of 125 records keyed by the contractor are selected by random sample. Each of these 125 records are then compared to the report forms from which they were keyed and the first TDRS edit report. TDRS staff reviews these records to determine whether the record contains an error and if it does, whether the error was a mistake made by the employee on the form, or whether the contractor inaccurately keyed the record. This information regarding the presence or absence of error and the type of error is then run through a computer program which calculates the average employee and contractor errors, the types of errors, and other data. This information is forwarded to the Director, OAD, quarterly.

Employees Error Studies: The purpose of the employee error studies is to identify specific problems in employee reporting so that TDRS staff can work with Commission offices to improve the quality of the information on the TDRS form. Each quarter, a study of one reporting period is made to determine the types of errors made by employees in completing their TDRS form. This study summarizes the number and type of errors in each Commission office for the time period. TDRS staff reviews specific reporting problems with individual offices and forwards a report to the Director, OAD.

Appendix B

1. List of Natural Gas Companies which would be Assessed Annual Charges based upon 1985 Data.

(a) Interstate natural gas pipelines that have certificates of public convenience and necessity under section 7 of the NGA, that are subject to Commission NGA section 4 authority, and that sell and transport volumes in excess of 200,000 Mcf annually for any of the three calendar years immediately preceding the billing year (currently 114 pipelines)

Alabama-Tennessee Natural Gas Company
Algonquin Gas Transmission Company
ANR Pipeline Company
ANR Storage Company
Arkansas Oklahoma Gas Corporation
Arkla Energy Resources, a division of Arkla, Inc.
Associated Natural Gas Company
Bayou Interstate Pipeline System
Bear Creek Storage Company
Black Marlin Pipeline Company
Blue Dolphin Pipe Line Company
Bluefield Gas Company
Border Gas, Inc.
Boundary Gas, Inc.
Canyon Creek Compression Company
Caprock Pipeline Company
Carnegie Natural Gas Company
Chandeleur Pipe Line Company
Cimarron Transmission Company
Colorado Interstate Gas Company
Columbia Gas Transmission Corporation
Columbia Gulf Transmission Company
Commercial Pipeline Company, Inc.
Consolidated Gas Transmission Corporation
Distrigas of Massachusetts Corporation
East Tennessee Natural Gas Company
Eastern Shore Natural Gas Company
El Paso Natural Gas Company
Equitable Gas Company, a division of Equitable Resources, Inc.
Florida Gas Transmission Company
Frontier Gas Storage Company
Gas Gathering Corporation
Gas Transport, Inc.
Gasdel Pipeline System Inc.
Granite State Gas Transmission, Inc.
Great Lakes Gas Transmission Company
Hampshire Gas Company
High Island Offshore System
Honeoye Storage Corporation
Inland Gas Company, Inc.
Jupiter Energy Corporation
KN Energy, Inc.
Kentucky West Virginia Gas Company
Lawrenceburg Gas Transmission Corporation
Locust Ridge Gas Company
Lone Star Gas Company, a Division of Enserch Corporation
Lone Star Gathering Company
Louisiana-Nevada Transit Company
MIGC, Inc.
Marengo Corporation
Michigan Consolidated Gas Company
Michigan Gas Storage Company
Mid Louisiana Gas Company
Midwestern Gas Transmission Company
Mississippi River Transmission Corporation
Mountain Fuel Resources, Inc.
National Fuel Gas Supply Corporation
Natural Gas Pipeline Company of America
North Penn Gas Company
Northern Border Pipeline Company
Northern Natural Gas Company, a Division of InterNorth, Inc.
Northwest Alaskan Pipeline Company
Northwest Central Pipeline Corporation
Northwest Pipeline Corporation
Ohio River Pipeline Corporation
Orange and Rockland Utilities, Inc.
Overthrust Pipeline Company
Ozark Gas Transmission System
Pacific Gas Transmission Company
Pacific Interstate Offshore Company
Pacific Interstate Transmission Company
Pacific Offshore Pipeline Company

Panhandle Eastern Pipe Line Company
Pelican Interstate Gas System
Penn-York Energy Corporation
Point Arguello Natural Gas Line Company
Raton Natural Gas Company
Ringwood Gathering Company
Sabine Pipe Line Company
Seagull Interstate Corporation
Sea Robin Pipeline Company
South County Gas Company
South Georgia Natural Gas Company
Southern Natural Gas Company
Southwest Gas Corporation
Southwest Gas Storage Company
Southwest Gas Transmission Company
Standard Pacific Gas Line, Inc.
Stingray Pipeline Company
Tarpon Transmission Company
TCP Gathering Company
Tennessee Gas Pipeline Company, a Division of Tenneco, Inc.
Texas Eastern Transmission Corporation
Texas Gas Pipe Line Corporation
Texas Gas Transmission Corporation
Texas Sea Rim Pipeline, Inc.
Trailblazer Pipeline Company
Transco Gas Supply Company
Transcontinental Gas Pipe Line Corporation
Transwestern Pipeline Company
Trunkline Gas Company
Union Light, Heat and Power Company
United Gas Pipe Line Company
U-T Offshore System
Valero Interstate Transmission Company
Valley Gas Transmission, Inc.
Washington Natural Gas Company
West Texas Gas, Inc.
West Texas Gathering Company
Western Gas Interstate Company
Western Transmission Corporation
Williston Basin Interstate Pipeline Company
Wyoming Interstate Company, Ltd.
Zenith Natural Gas Company

(b) Interstate natural gas pipelines that have certificate authority under section 7 of the NGA but no tariff on file for jurisdictional and nonjurisdictional sales and that sell and transport volumes in excess of 200,000 Mcf annually for any of the three calendar years immediately preceding the billable year (currently 13 pipelines)

American Distribution Company (Alabama Division)
Glacier Gas Company
Great Plains Natural Gas Company
Indiana Utilities Corporation
Interstate Power Company
Iowa-Illinois Gas and Electric Company
Iowa Public Service Company
Michigan Power Company
Pennsylvania and Southern Gas Company
Phillips Gas Pipeline Company
South Penn Gas Company
Superior Offshore Pipeline Company
Union Gas System, Inc.

(c) Regulated interstate natural gas pipelines that have NGA section 7(f) declarations and that sell and transport volumes in excess of 200,000 Mcf annually for any of the three calendar years immediately preceding the billable year (currently 3 pipelines)

National Fuel Gas Distribution Corporation
Shenandoah Gas Company
Washington Gas Light Company

(d) LNG importers that fall within the Commission's jurisdiction pursuant to both sections 3 and 7 of the NGA and that sell and transport volumes in excess of 200,000 Mcf annually for any of the three calendar years immediately preceding the billable year (currently 5 pipelines)

Columbia LNG Corporation
Consolidated System LNG Company
Distrigas Corporation
Southern Energy Company
Trunkline LNG Company

2. List of Natural Gas Companies which would be Exempted from Annual Charges based upon 1985 Data.

(a) Companies the sale and transportation transactions of which do not exceed 200,000 Mcf per year for each of the three calendar years immediately preceding the billable year (currently 13 companies)

Blacksville Oil and Gas Co., Inc.
C.B. Gas Gathering, Inc.
Crown Zellerbach Corporation
Georgia Pacific Corporation
Great River Gas Company
International Paper Company
Mid-Continent Gas Storage Company
Mitco Pipeline Company
Northern States Power Company
Penn-Jersey Pipe Line Company
RMNG Gathering Company
Urbana Corporation
Wheeler Gas, Inc.

(b) Importers with NGA section 3 and Presidential Permit authority only (currently 12 importers)

City of Roma, Texas
Del Norte Natural Gas Company
Entex, Inc.
Gas Service, Inc.
Inter-City Minnesota Pipelines Ltd., Inc.
Manchester Gas Company
Marathon Oil Company
Montana Power Company
Phillips Petroleum Company
St. Lawrence Gas Company
Valero Transmission Company
Vermont Gas Systems, Inc.

Appendix C

List of Interstate Oil Pipeline Companies which would be Assessed Annual Charges Based on 1985 Data:

Air Force Pipeline, Inc.
Algonquin Pipeline Company
Allegheny Pipeline Company
Amerada Hess Pipeline Corporation
American Petrofina Pipe Line Company
Amoco Pipeline Company
ARCO Pipe Line Company
Asamera Pipeline, Inc.
Ashland Pipe Line Company
Atlantic Pipeline Corporation
Badger Pipe Line Company
Belle Fourche Pipeline Company
Black Lake Pipe Line Company
BP Pipelines, Inc.
Buccaneer Pipe Line Company
Buckeye Pipe Line Company
Buckeye Pipe Line Company of Michigan, Inc.
Butte Pipe Line Company
C &T Pipeline, Inc.
Calnev Pipe Line Company
Cenergy Transmission Company
Chase Transportation Company
Chevron Pipe Line Company
Chicap Pipe Line Company
Chisholm Pipeline Company
Ciniza Pipe Line, Inc.
Citgo Pipeline Company
Cities Service NGL Pipeline Company
CKB Petroleum, Inc.
Clarco Pipe Line Company
CNG Pipeline Company
Cochin Pipeline System
Collins Pipeline Company
Colonial Pipeline Company
Continental Pipe Line Company
Cook Inlet Pipe Line Company
Crown-Rancho Pipe Line Corporation
Diamond Shamrock Refining and Marketing Company
Dixie Pipeline Company
Dome Pipeline Corporation
El Paso Frontera Corporation
Emerald Pipe Line Corporation
Enterprise Pipeline Company
Enterprise Products Company of Mississippi
Eureka Pipe Line Company
Explorer Pipeline Company
Exxon Pipeline Company
Farmland Industries, Inc.
Four Corners Pipe Line Company
Frontier Pipeline Company
G & T Pipeline Company
Getty Pipeline, Inc.
Gulf Central Pipeline Company
Hess Pipeline Company
Howell Crude Oil Company
Husky Pipeline Company
Hydrocarbon Transportation, Inc.
Interstate Storage & Pipe Line Corporation
Jayhawk Pipeline Corporation
Jet Lines, Inc.
Kaneb Pipe Line Company
Kaw Pipe Line Company
Kerr-McGee Pipeline Corporation
Kiantone Pipeline Corporation
Kuparuk Transportation Company
Lake Charles Pipe Line Company
Lakehead Pipe Line Company, Inc.
Largo Company
Laurel Pipe Line Company
Locap, Inc.
Marathon Pipe Line Company
Mark Oil Pipeline Company
McMoran Pipeline Company
Mesa Transmission Company
Mid-America Pipeline Company
Mid-Valley Pipeline Company
Miline Point Pipe Line Company
Minnesota Pipe Line Company
Mitco Pipeline Company
Mobil Alaska Pipeline Company
Mobil Eugene Island Pipeline Company
Mobil Pipe Line Company
National Transit Company
Navajo Pipeline Company
Northern Rockies Pipe Line Company
Northwest Pipeline Corporation

Ohio Oil Gathering Corporation II
Ohio River Pipe Line Company
Oiltanking of Texas Pipeline Company
Okie Pipe Line Company
Olympic Pipe Line Company
Osage Pipe Line Company
Owensboro-Ashland Company
Paloma Pipeline Company
Pennzoil Offshore Pipeline Company
Phillips Alaska Pipeline Corporation
Phillips Pipe Line Company
Pioneer Pipe Line Company
Plantation Pipe Line Company
Platte Pipe Line Company
Pogo Offshore Pipeline Company
Portal Pipe Line Company
Portland Pipe Line Corporation
Pure Transportation Company
Santa Fe Pipeline Company
Seminole Pipeline Company
Shamrock Pipe Line Corporation
Shell Pipe Line Corporation
Sohio Pipe Line Company
Sonat Oil Transmission, Inc.
Southcap Pipe Line Company
Southern Pacific Pipe Lines, Inc.
Sun Oil Line Company of Michigan
Sun Pipe Line Company
Tecumseh Pipe Line Company
Texaco Cities Service Pipeline Company
Texas Eastern Transmission Corporation
Texas Pipe Line Company
Texas-New Mexico Pipe Line Company
Tomahawk Pipe Line Company
Total Pipeline Corporation
Trans Mountain Oil Pipe Line Corporation
Trans-Ohio Pipeline Company
Transco Terminal Company
Union Alaska Pipe Line Company
Wascana Pipe Line, Inc.
Wesco Pipe Line Company
West Emerald Pipe Line Corporation
West Shore Pipe Line Company
West Texas Gulf Pipe Line Company
Western Oil Transportation Company, Inc.
White Shoal Pipeline Corporation
Williams Pipe Line Company
Wolverine Pipe Line Company
Wood River Pipeline Company
Wyco Pipe Line Company
Yellowstone Pipe Line Company

Appendix D

List of Investor-Owned Utilities which would be Assessed Annual Charges Based on 1985 Data:

Georgia Power Co.
New England Power Co.
Ohio Power Co.
Indiana & Michigan Elec. Co.
Appalachian Power Co.
NY State Elec. & Gas Corp.
Arkansas Power & Light Co.
Alabama Power Co.
Pacific Pwr. & Lt. Co.
Duke Power Co.
Indiana-Kentucky Elec. Corp.
Ohio Edison Co.
West Penn Power Co.
Southern California Edison Co.
Pennsylvania Pwr. & Lt. Co.
Idaho Power Co.
Carolina Pwr. & Lt. Co.
Southern Elec. Gen. Co.
Portland General Elec. Co.
Arizona Pub. Service Co.
Northern States Power Co. (Mich.)
Southwestern Pub. Serv. Co.
Utah Pwr. & Lt. Co.
Texas Utilities Elec. Co.[1]
Maine Yankee Atomic Pwr. Co.
Potomac Edison Co.
Niagara Mohawk Pwr. Corp.
Southwestern Elec. Pwr. Co.
Connecticut Yankee Atomic Pwr. Co.
Montaup Electric Co.
Ohio Valley Elec. Corp.
Monogahela Power Co.
Alamito Co.
Canal Electric Co.
Consolidated Edison CO-NY Inc.
Virginia Elec. & Pwr. Co.
Florida Power Corp.
Columbus & So. Ohio Elec. Co.
Public Serv. Co. of Ind. Inc.
Gulf States Utilities Co.
Oklahoma Gas & Elec. Co.
Wash. Water Power Co.
Public Service Co. of Colorado
Pacific Gas & Elec. Co.
Wisconsin Pwr. & Lt. Co.
Kentucky Utilities Co.
Vermont Elec. Pwr. Co. Inc.
Kentucky Power Co.
Montana Power Co.
South Carolina Generating Co.
Tampa Electric Co.
Vermont Yankee Nucl. Pwr. Corp.
Wisonsin Elec. Pwr. Co.
Mississippi Power Co.
Florida Power & Light Co.
Detroit Edison Co.
Tucson Electric Power Co.
Upper Peninsula Generating Co.
AEP Generating Co.
Boston Edison Co.
Cincinnati Gas & Elec. Co.
Systems Energy Resources, Inc. (formerly Middle South Energy Inc.)
Houston Light & Pwr. Co.
Gulf Power Co.
Mississippi Pwr. & Lt. Co.
Minnesota Power & Light Co.
Kansas Pwr. & Light Co.
Commonwealth Ed. Co. Ind. Inc.
Maine Electric Power Co.
Potomac Electric Pwr. Co.
Union Electric Co.
Kansas Gas & Elec. Co.
Central Illinois Pub Serv Co.
Public Service Co. of N.H.
Orange & Rockland Utils. Inc.
Delmarva Power & Light Co.
Public Serv. Co. Oklahoma
Public Service Co. of N.M.
Susquehanna Elec. Co.
Rochester Gas & Elec. Corp.
West Texas Utilities Co.
Wisconsin Pub. Serv. Corp.
Puget Sound Pwr. & Lt. Co.
Northern States Pwr. Co. (Wis.)
Central Hudson G & E Corp.
Yankee Atomic Electric Co
Central Power & Lt. Co.
Louisiana Pwr. & Light Co.
Commonwealth Edison Co.
Consumers Power Co.
South Carolina Elec. & Gas Co.
Illinois Power Co.
Pennsylvania Electric Co.
Southern Indiana Gas & Elec. Co.
Connecticut Light & Power Co.
Empire Disrict Elec. Co.
San Diego Gas & Elec. Co.
Safe Harbor Water Pwr. Corp.
Pennsylvania Pwr. Co.
Kansas City Pwr. & Lt. Co.
Central Vt. Pub. Serv. Co.
Otter Tail Power Co.
Iowa Elec. Light & Pwr. Co.
Central Corp.
New Orleans Pub. Serv. Inc.
Dayton Pwr. Lt. Co.
Holyoke Water Power Co.
Interstate Power Co.
Iowa-Illinois Gas & Elec. Co.
El Paso Elec. Co.
Philadelphia Electric Co.
Cleveland Elec. Illum Co.
Toledo Edison Co.
Electric Energy In.
Duquesne Light Co.
Black Hills Pwr. & Lt. Co.
Northern Indiana Pub. Serv. Co.
Long Island Lighting Co.
Jersey Central Pwr. & Lt. Co.
Baltimore Gas & Elec. Co.
Green Mountain Pwr. Corp.
Holyoke Pwr. & Elec. Co.
Sierra Pacific Power Co.
Iowa Power & Light Co.
Wisconsin River Pwr. Co.
Iowa Southern Utilities Co.
Western Mass. Elec. Co.
United Illuminating Co.
Indianapolis Pwr. & Light Co.
Tapoco Inc.
Metropolitan Edison Co.
Madison Gas & Edison Co.
Nevada Power Co.
Lake Superior Dist. Pwr. Co.
Utilicorp United Inc. (formerly Missiouri Public Service Co.)
Public Serv. Elec. & Gas Co.
Central Illinois Light Co.
Central Maine Power Co.
York Haven Power Co.
Upper Peninsula Power Co.
Maine Public Service Co.
Edison Sault Elec. Co.
Cambridge Elec. Light Co.
Southwestern Elec. Serv. Co.
Lockhart Power Co.
Warm Springs Pwr. Enterprises
Commonwealth Electric Co.
Michigan Power Co.
Northwestern Pub. Serv. Co.
Louisville Gas & Electric Co.
Superior Water Lt. & Pwr. Co.
Nantahala Pwr. & Lt. Co.
Savannah Electic & Power Co.
Atlantic City Electric Co.
Bangor Hydro-Elec. Co.
Yadkin Inc.
Alcoa Generating Corp.
Union Light Heat & Power Co.
Citizens Utilities Co.
Texas-N.M. Power Co.
Central Louisiana Elec. Inc.
Fitchburg Gas & Elec. Lt. Co.

[1] Annual charges are to be assessed based only on those sales under rate schedules on file with the Commission. For Form No. 1 reporting purposes, this company should expressly identify the kilowatt-hour transactions taking place.

South Beloit Wtr. Gas & Elec. Co.
Massachusetts Elec. Co.
Consolidated Wtr. Pwr. Co.
Mt. Carmel Public Utility Co.
St. Joseph Lt. & Pwr. Co.
Eastern Edison Co.
UGI Corp.
Narragansett Elec. Co.
Florida Public Utilities Co.
Unitl Power Corp.
Cliffs Electric Service Co.
EUA Power Corp.
Montana-Dakota Utilities Co.

[FR Doc. 87-2002 Filed 1-30-87; 8:45 am]
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DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Parts 270 and 275

[Notice No. 615]

Tobacco Regulations; Miscellaneous Amendments; Correction

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Department of the Treasury.

ACTION: Notice of proposed rulemaking; correction.

SUMMARY: This document corrects errors made in FR Doc. 87-535, published in the Federal Register on January 12, 1987, at 52 FR 1207.

FOR FURTHER INFORMATION CONTACT: Clifford A. Mullen, Coordinator, Bureau of Alcohol, Tobacco and Firearms, Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20226, (202) 566-7531.

SUPPLEMENTARY INFORMATION:

Paragraph 1. In the middle column of page 1209, § 270.212(a) should read:

§ 270.212 Mark.

(a) Every package of Tobacco products packaged in a domestic factory shall, before removal subject to tax, have adequately imprinted thereon, or on a label securely affixed thereto, a mark as specified in this section.

* * * * *

Paragraph 2. In the right column of page 1209 the heading for Part 275 should read:

PART 275—IMPORTATION OF TOBACCO PRODUCTS, CIGARETTE PAPERS AND TUBES

Signed: January 21, 1987.

Stephen E. Higgins,

Director.

[FR Doc. 87-1915 Filed 1-30-87; 8:45 am]
BILLING CODE 4810-31-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 935

Reopening and Extension of Public Comment Period on Proposed Amendments to the Ohio Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSMRE), Interior.

ACTION: Reopening and extending the public comment period.

SUMMARY: By letter dated May 8, 1986, the Ohio Department of Natural Resources (ODNR) submitted proposed amendments to Ohio's regulatory program. The proposed amendments consist of changes to Ohio's statutes and regulations that implement and administer the Ohio program. The proposed amendments are also intended to make Ohio's rules consistent with the revised Federal regulations contained in 30 CFR Chapter VII. The proposed amendment package contains fifty-five regulations and two statutes.

OSMRE published a notice in the Federal Register on June 19, 1986, announcing receipt of the amendment and inviting public comment on the adequacy of the proposed amendment (51 FR 22308).

Following a review of the Ohio amendments, OSMRE notified the State by letter dated September 30, 1986, of its concerns about many of the proposed amendments to the Ohio statutes and regulations. These concerns related to bonding, penalty assessment, coal exploration, variances from approximate original contour, soil reconstruction specifications, and management levels on reclaimed prime farmland. On December 1, 1986, the Ohio Department of Natural Resources (ODNR) responded by submitting revisions of the amendments to address OSMRE's concerns.

Accordingly, OSMRE is reopening and extending the comment period on Ohio's May 8, 1986 amendment as modified on December 1, 1986. The action is being taken to provide the public with an opportunity to reconsider the adequacy of the proposed amendments.

DATE: Written comments, data or other relevant information relating to this rulemaking not received on or before 4:00 p.m. March 4, 1987 will not necessarily be considered in the Director's decision to approve or disapprove the amendment.

ADDRESSES: Written comments should be mailed or hand delivered to: Ms. Nina Rose Hatfield, Director, Columbus Field Office, Office of Surface Mining Reclamation and Enforcement, Room 202, 2242 South Hamilton Road, Columbus, Ohio 43232. Telephone: (614) 866-0578.

Copies of the Ohio program, the proposed modifications to the program, and all written comments received in response to this notice will be available for public review at the OSMRE Field Office listed above and at the OSMRE Headquarters Office and the office of the State regulatory authority listed below during normal business hours Monday through Friday, excluding holidays. Each requestor may receive, free of charge, one single copy of the amendments by contacting the OSMRE Columbus Field Office listed above.

Office of Surface Mining Reclamation and Enforcement, Administrative Record, Room 5315A, 1100 "L" Street, NW., Washington, DC 20240.

Ohio Division of Reclamation, Building B, Fountain Square, Columbus, Ohio 43224.

FOR FURTHER INFORMATION CONTACT: Ms. Nina Rose Hatfield, Director, Columbus Field Office, Office of Surface Mining Reclamation and Enforcement, Room 202, 2242 South Hamilton Road, Columbus, Ohio 43232. Telephone: (614) 866-0578.

SUPPLEMENTARY INFORMATION:

I. Background

The Ohio program was conditionally approved effective August 16, 1982, by notice published in the August 10, 1982 Federal Register (47 FR 34688). Information pertinent to the general background, revisions, modifications, and amendments to the Ohio program submission, as well as the Secretary's findings, the disposition of comments, and a detailed explanation of the conditions of approval of the Ohio program can be found in the August 10, 1982 Federal Register. Subsequent actions concerning the Ohio program conditions of approval and program amendments can be found at 30 CFR 935.11 and 935.15.

II. Proposed Amendments

By letter dated May 8, 1986, the Ohio Department of Natural Resources, Division of Reclamation submitted proposed amendments to Ohio's regulatory program. The proposed changes will bring the Ohio program regulations into conformity with the revised Federal rules. Because State regulations are required to be no less effective than Federal rules, Ohio was

asked to submit revised regulations to OSMRE for review and approval.

During review of the amendments, OSMRE identified several concerns relating to several different sections of the proposed regulations. The concerns included premature closing of public records on bond release; reassessing good faith points following an abatement; coal exploration; use of an agricultural variance from approximately original contour; do not require use of Soil Conservation Service soil reconstruction specifications, and do not require the same management level on reclaimed land as on undisturbed land. OSMRE notified the State of these concerns by letter dated September 30, 1986.

On December 1, 1986, the ODNR responded by submitting revisions to Ohio's regulations that address OSMRE's concerns. The revisions respond to all of OSMRE's objections with appropriate changes, explanations, or policy statements.

The full text of the December 1, 1986 revised amendments is available for review at the locations listed above under "ADDRESSES". OSMRE is now seeking comment on the May 8, 1986 amendment as revised on December 1, 1986. If the Director determines that the proposed amendments are no less stringent than SMCRA and no less effective than the Federal regulations, the amendment will be approved and become part of the approved permanent program.

Dated: January 23, 1987.

Richard G. Bryson,

Acting Assistant Director, Program Policy.

[FR Doc. 87-1975 Filed 1-30-87; 8:45 am]

BILLING CODE 4310-05-M

LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 202

[Docket No. RM-86-4]

Extension of Comment Period; Inquiry on Copyrightability of Digitized Typefaces

AGENCY: Copyright Office, Library of Congress.

ACTION: Extension of comment period.

Notice: On October 10, 1986 the Copyright Office in a Notice of Inquiry (51 FR 36410) invited public comment on the copyrightability of digitized versions of typefaces. Comments were invited through December 9, 1986.

The Copyright Office has received two written requests to extend the comment period. One other person requested an extension by telephone. In the interest of allowing full public comment, the Copyright Office hereby extends the comment period until February 17, 1987. Reply comments may be submitted during the extended comment period.

DATE: Comments should be received on or before February 17, 1987.

ADDRESSES: Ten copies of written comments should be addressed, if sent by mail, to: Library of Congress, Department 100, Washington, DC 20540.

If delivered by hand, copies should be brought to: Office of the General Counsel, Copyright Office, James Madison Memorial Building, Room 407, First and independence Avenue, SE., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Dorothy Schrader, General Counsel, U.S. Copyright Office, Library of Congress, Washington, DC 20559. (202) 287-8380.

List of Subjects in 37 CFR Part 202

Copyright registration.

Date: January 15, 1987.

Dorothy Schrader,

Associate Register of Copyrights for Legal Affairs.

Approved by:

Daniel J. Boorstin,

The Librarian of Congress.

[FR Doc. 87-1895 Filed 1-30-87; 8:45 am]

BILLING CODE 1410-07-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Family Support Administration

45 CFR Part 205

General Administration—Public Assistance Programs, Quality Control Requirements

AGENCY: Family Support Administration, HHS.

ACTION: Proposed rules.

SUMMARY: This proposal amends the rules of the quality control (QC) process under the Aid to Families with Dependent Children (AFDC) program to:

1. Establish a new performance-based threshold to determine which States with error rates in excess of the statutory error standard are eligible to apply for waivers on the grounds that the States took the necessary actions to meet the national standard but were unsuccessful; and

2. Establish more definitive criteria to be used by the Secretary to evaluate waiver requests filed by States on such grounds.

DATE: Comments will be considered if we receive them no later than April 3, 1987.

ADDRESSES: Comments should be submitted in writing to the Office of Family Assistance, Family Support Administration, Room B-428, Trans Point Building, 2100 Second Street, SW., Washington, DC 20201, between 8:30 am and 5:00 pm or regular business days. Comments received may be inspected during these same hours by making arrangements with the contact person shown below.

FOR FURTHER INFORMATION CONTACT: Mr. Sean Hurley, Room B-110, Trans Point Building, 2100 Second Street, SW., Washington, DC 20201, (202) 245-2292.

SUPPLEMENTARY INFORMATION: These rules amend the QC regulations under the AFDC program by introducing two primary changes. The first establishes a new performance-based threshold to determine whether or not States that failed to meet the statutory error standard can, in fact, apply for a waiver on the grounds that the States took the necessary actions to meet the national standard but were unsuccessful. The second, which generally pertains to those States who are eligible to apply for a waiver by virtue of having met the threshold, establishes more definitive criteria to be used by the Secretary in determining whether waivers will be granted. These regulations apply to erroneous payments and fiscal liabilities for QC sampling periods beginning October 1986.

The Michel Amendment (section 201 of the Labor—HEW Appropriations Bill for FY 1980 (HR 4389) as referenced in the Continuing Resolution for FY 1980 (section 101(g) of Pub. L. 96-123)) set a series of payment error rate standards for States to reach during fiscal years 1981 and 1982 with a national standard of four percent for FY 1983 and future years. Section 156 of the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) reduced the national standard to three percent, effective FY 1984, and made several other changes in the QC system. Federal matching payments are not available for erroneous payments in excess of the error rate standards.

The Michel Amendment and TEFRA gave the Secretary authority to waive State fiscal liabilities "in certain limited cases" where, despite a good faith effort, a State has not met the error rate standard. Congress had made it clear that this waiver process is to be limited to extraordinary circumstances. The Secretary has complete discretion in

determining whether a State's fiscal liability should be waived, based on the Secretary's judgment about the circumstances shown by the State.

Regulations were previously published on January 25, 1980, establishing some criteria the Secretary would use in considering waiver requests filed under the Michel Amendment. These regulations were used in determining the Secretary's decision on the FY 1981 waiver requests submitted by 28 States which exceeded their AFDC target. These waiver requests covered (1) extraordinary external events and circumstances such as natural disasters, strikes, workload changes, and incorrect Federal policy guidance and (2) documentation that the States timely developed and implemented a corrective action plan reasonably designed to meet the error rate. The Department engaged in an extensive review of material submitted by the States and subsequently announed the Secretary's decision on these requests.

Regulations implementing TEFRA did not substantially alter the provisions under which a State could request a waiver, except to restrict application to those States that either demonstrated error reduction from the prior assessment period or achieved an error rate that did not exceed the target error rate by more than one-third despite an error rate increase. The Department has now determined, based on its experience in reviewing the FY 1981 State waive submissions, that it is appropriate to revise this performance threshold.

We are taking this opportunity to also modify the current waiver criteria to: (1) emphasize the importance of State implementation of the Income and Eligibility Verification System mandated by the Deficit Reduction Act (DEFRA) of 1984 and (2) promote the use of effective corrective action measures, such as second-party case review, recommended by a recent corrective action study.

The proposed changes are as follows:

1. The Performance Threshold

To be eligible to apply for good faith waiver under the new regulations, a State must have experienced some error rate reduction from the prior year, in addition to having a payment error rate which does not exceed the national average error rate, unless the national average is below the statutory tolerance. The concept of a performance threshold for waiver application permits recognition of States with decreasing error rates that display substantial progress in error reduction despite not meeting the tolerance.

The first provision of this revised threshold limits applicants to those States with declining error rates. This should provide added incentive for States to establish and maintain a downward trend in error rate performance.

The second provision requires achievement in error reduction which equals or surpasses the national average error rate, reflecting our expectation that a State's performance must at least be on a par with other States to qualify for waiver consideration. Once the national average error rate falls below the tolerance, this provision would be superfluous as any State meeting it would not be liable for a disallowance and, therefore, have no need for a waiver.

A State that requests a waiver based on an extraordinary external event may also be eligible for a waiver under this performance threshold. This would occur if the State can demonstrate that its error rate for the period in question would have met the performance threshold but for the impact of the external circumstance(s).

All States will continue to be eligible to submit waiver requests based on extraordinary external events and circumstances (e.g., natural disasters) regardless of their actual error rates. However, we want to re-emphasize that waiver submissions relating to these events must be well documented to be considered. A State must clearly demonstrate the extraordinary nature of its circumstances, provide sufficient information to establish the extent to which the circumstance negatively affected the AFDC program, specifically show the extent to which the circumstance affected the payment error rate during the sample period, and document management efforts to quickly and adequately respond to the situation.

These regulations do not change the Congressional requirement that Federal funding for erroneous welfare payments be limited nor the expectation that States will improve their performance as a result of this requirement. Rather, these regulations further clarify the basis on which the Secretary intends to exercise discretion to grant waivers.

2. Waiver Evaluation Criteria

When a State has qualified to request a waiver based on the performance threshold outlined in these regulations, we intend to determine the amount of the waiver to be granted using four factors:

a. Operation of a quality control system in accordance with Federal regulations at 45 CFR 205.40 (e.g., adherence to Federal case completion timeliness requirements, and Quality Control Manual verification standards).

b. Formulation of error reduction initiatives based on the following processess:

(1) Performance of an accurate and thorough statistical and program analysis for error reduction purposes which utilizes quality control and other data; and

(2) The translation of analysis into specific and appropriate error reduction practices for major error elements; and

(3) The use of monitoring systems to verify that the error reduction initiatives were implemented at the local office level.

c. The operation of automated systems supported by evidence of the timely utilization of their outputs in the determination of case eligibility and grant amount, e.g., the implementation and maintenance of the Income and Eligibility Verification System as mandated by the Deficit Reduction Act of 1984; and the operation of systems relating to motor vehicles, vital statistics, and State or local income and property taxes (where such taxes exist) where the agency has access.

d. The use of the following accountability mechanisms to ensure that agency staff adhere to error reduction initiatives:

(1) Performance standards indicating that appraisals for supervisors and workers include payment accuracy and timely processing of case actions as quantitative measures of performance; and

(2) Selective second-party case reviews are conducted; the review results are periodically reported to higher level management, as well as to supervisors and workers, and are used in employee appraisals; and

(3) Regular operational reviews of local offices are performed to evaluate the offices' effectiveness in meeting error reduction goals with periodic monitoring to ensure that review recommendations have been implemented.

A State which demonstrates it fully meets the performance criteria under (a) and which demonstrates substantial performance for each of the other criteria may be granted a waiver of its disallowance in whole or in part by the Secretary. The State is to submit only specific documentation which verifies that the necessary actions were accomplished. For example, States could submit worker performance standards reflecting timeliness and case accuracy

as quantitative measures of performance.

These factors along with their respective sub-items are definitive and represent a results-oriented approach to effective error reduction (i.e., they emphasize specific accomplishments rather than intended or planned actions).

3. Other Provisions

These rules also reaffirm our current position as stated in the September 28, 1984, regulations that the Secretary's decisions on waivers are not subject to appeal to the Departmental Grant Appeals Board. Because waivers are discretionary actions, which in effect permit greater Federal matching payments than authorized by law, the Department's decision not to grant a waiver (either in full or in part) is not appealable.

Executive Order 12291 — These regulations do not meet any of the criteria for a major regulation. It is not anticipated that disallowances of FFP will approach the $100 million level. Therefore, a regulatory impact analysis is not required.

Paperwork Reduction Act—These regulations impose no new reporting/recordkeeping requirements requiring OMB clearance.

Regulatory Flexibility Act—We certify that these regulations will not, if promulgated, have a significant economic impact on a substantial number of "small entities" because the rules involve a reduction of information required if a waiver is requested under the optional provision. "Small entities" are defined by the Regulatory Flexibility Act to include small businesses, small nonprofit organizations and small governmental entities. These regulations amend the existing Federal quality control system as it applies to the State's use of Federal funds in administering the AFDC program. A regulatory flexibility analysis as provided in Pub. L. 96-354, the Regulatory Flexibility Act, is not required because the Federal government will only be recouping monies that were incorrectly paid by the States.

(Catalog of Federal Domestic Assistance Programs No. 13.808 Public Assistance Maintenance Assistance (State Aid))

List of Subjects in 45 CFR Part 205

Administrative practice and procedures, Aid to Families with Dependent Children, Family Assistance Office, Grant programs—social programs, Public assistance programs, Reporting and recordkeeping requirements.

Dated: October 10, 1986.

Wayne A. Stanton,

Administrator, Family Support Administration.

Approved: December 23, 1986.

Otis R. Bowen,

Secretary of Health and Human Services.

PART 205—GENERAL ADMINISTRATION-PUBLIC ASSISTANCE PROGRAMS

Part 205 of Chapter II, Title 45, Code of Federal Regulations, is amended as set forth below:

1. The authority citation for Part 205 continues to read as follows:

Authority: Sec. 1102, 49 Stat. 647; 42 U.S.C. 1302, unless otherwise noted.

2. In § 205.44, the heading and paragraph (a) are revised to read as set forth below, and paragraph (h) is amended by removing the word "Commissioner", and adding in its place the word "Administrator".

§ 205.44 Reduction in Federal financial participation (FFP) for incorrect payments made by States from October 1984 through September 1986.

(a) *Purpose and applicability.* This section provides the rules we will use for quality control sample periods beginning October 1984 through September 1986 to determine whether we will reduce the amount of Federal matching funds (Federal financial participation or FFP) we give to a State and, if so, the amount of the reduction. We will reduce the amount of our matching funds if a State makes more incorrect payments in its AFDC program than allowed under the rules in this section. These rules apply to all States which have AFDC programs.

* * * * *

3. A new § 205.46 is added to read as follows:

§ 205.46 Reduction in Federal financial participation (FFP) for incorrect payments made by States after September 1986.

(a) Purpose and applicability. This section provides the rules we will use for quality control sample periods beginning October 1986 to determine whether we will reduce the amount of Federal matching funds (Federal financial participation or FFP) we give to a State and, if so, the amount of the reduction. We will reduce the amount of our matching funds if a State makes more incorrect payments in its AFDC program than allowed under the rules in this section. These rules apply to all States which have AFDC programs.

(b) Definitions. For the purpose of this section—"Annual assessment period" means the 12-month period October 1-September 30.

"Incorrect assistance payments" mean payments to individuals ineligible for a payment and overpayments to eligible individuals.

"National average error rate" means the weighted arithmetic average of States' official payment error rates for an annual assessment period.

"National standard" means a four percent error rate for Guam, Puerto Rico and the Virgin Islands and a three percent payment error rate for all other States.

"Payment error rate" means the dollar amount of incorrect assistance payments a State has made expressed as a percentage of the State's total assistance payments.

"We, "us" or "our" means the Department of Health and Human Services or the Family Support Administration.

(c) *General.* In these rules we are establishing national standards of four percent for Guam, Puerto Rico and the Virgin Islands and three percent for all other States for incorrect assistance payments in the AFDC program. These standards will be used to measure performance of the States in each annual assessment period.

(d) How we will measure a State's performance. We will use the information provided by the Federal/State quality control system.

(1) This system measures the dollar amount of incorrect assistance payments in each annual assessment period by reviewing a statistically valid sample of cases selected during each month of the assessment period. The sample results are then projected to the universe of all cases.

(2) If a State fails to complete a valid and reliable sample in accordance with the prescribed QC procedures and deadlines, as required by § 205.40, for any assessment period, we will notify the State of its failure and provide the State the opportunity to negotiate a solution regarding the timely completion of its sample. Where a State is unable to negotiate a solution or fails to carry out a negotiated solution, we will assign to the State an error rate based on the best data reasonably available, including data obtained from any one or more of the following methods: error rate information for past sample periods, a partially completed State sample, a Federal subsample of completed State cases, a supplemental Federal sample, a Federal audit, and an audit conducted through a contractual agreement with a third party.

(e) Cost of determining an error rate for States other than Guam, Puerto Rico and the Virgin Islands. In any case where it is necessary for us to determine a State's error rate for a fiscal year because the State fails to cooperate with us by not providing the information required of the State in accordance with § 205.40 of these rules, the following procedure will apply: Pursuant to section 403(i)(3)(A) of the Act, notwithstanding any other provision of this chapter, total payments to a State under section 403(a)(3) for the proper and efficient administration of the State plan shall be reduced by the amount necessary (deducted without regard to any other reduction under this section) to offset all expenditures the Federal government has incurred in order to determine the State's error rate for any fiscal year in which that State has failed to provide the necessary error rate data. All amounts, both direct and indirect expenditures, shall be deducted generally no later than the second quarter following the quarter in which the costs of compiling data for determining the State's error rate are available.

(f) If a State fails to meet the established error rate. If a State does not meet the national standard for any assessment period, we will reduce our matching funds to the State for that period, unless a State can show that it made a good faith effort to meet the national standard. If a State uses the regular Federal percentage in section 403(a)(1) of the Act for FFP and has an average monthly payment per recipient of more than $32 in an assessment period, an adjustment will be made to the State's error rate for purposes of determining the amount of reduction in our matching funds.

Example: In fiscal year 1987, the applicable national standard for a particular State is three percent. The State's payment error rate for the assessment period, October 1, 1986, through September 30, 1987, is 4.4 percent. Because the 4.4 percent error rate exceeds the national standard by 1.4 percentage points, we will reduce our Federal matching funds by 1.4 percent of the Federal share of the dollars the State paid to recipients in the form of assistance payments under its AFDC program during that year.

(g) When we will reduce a disallowance because a State has made a good faith effort.

(1) A state will have 30 days after receipt of a notice of intent to disallow or 15 months after the end of each fiscal year, whichever comes first, to show that it made a good faith effort to meet the national standard. If we find that the State did not meet the national standard despite a good faith effort, we will reduce the funds being disallowed in whole or in part as we find appropriate under the circumstances shown by the State. A finding may be made that a State did not meet the national standard despite a good faith effort under certain limited circumstances. The burden of proof for showing that a good faith effort was made rests entirely with the State.

(2) Some examples of the limited circumstances under which we may find that a State did not meet the national standard despite a good faith effort are—

(i) Disasters, such as fire, flood or civil disorders, that require the diversion of significant personnel normally assigned to AFDC eligibility administration, or destroyed or delayed access to significant records needed to make or maintain accurate eligibility determinations.

(ii) Strikes of State staff or other government or private personnel necessary to the determination of eligibility or processing of case changes.

(iii) Sudden and unanticipated workload changes which result from changes in Federal law and regulations, or rapid, unpredictable caseload growth in excess of, for example, 15 percent for any consecutive six-month period in an assessment period.

(iv) The State has taken the action needed to meet the national standard but the national standard was not met. Request for a waiver under this criterion will not be considered unless a State's payment error rate (after taking into account extraordinary external events, such as natural disasters, as provided for in paragraphs (g)(2)(i) through (iii)) is less than its error rate for the prior annual assessment period and does not exceed the national average error rate for the sample period under review, unless the national average is below the tolerance level. If a State has met these requirements, we will evaluate requests for a good faith waiver based on the factors specified in paragraphs (g)(2)(iv)(A), (B), (C) and (D). A State which fully meets the performance criteria under paragraph (g)(2)(iv)(A) and which demonstrates substantial performance pertinent to the criteria under paragraphs (g)(2)(iv)(B), (C) and (D) may be granted a waiver of disallowance in whole or in part by the Secretary. The State is to submit only specific documentation which verifies that the necessary actions were accomplished relative to the following factors:

(A) Operation of a quality control system in accordance with Federal regulations (e.g., adherence to Federal case completion timeliness requirements and Quality Control Manual verification standards.)

(B) Formulation of error reduction initiatives based on the following processes:

(*1*) Performance of an accurate and thorough statistical and program analysis for error reduction which utilized quality control and other data; and

(*2*) Translation of analysis into specific and appropriate error reduction practices for major error elements; and

(*3*) Use of monitoring systems to verify that the error reduction initiatives were implemented at the local office level.

(C) Operation of automated systems supported by evidence of the timely utilization of their outputs in the determination of case eligibility and grant amount, e.g., the implementation and maintenance of the Income and Eligibility Verification Systems as mandated by the Deficit Reduction Act of 1984 and the operation of systems relating to motor vehicles, vital statistics, and State or local income and property taxes (where such taxes exist) where the agency has access.

(D) Use of the following accountability mechanisms to ensure that agency staff adhere to error reduction initiatives. The following are minimum requirements.

(*1*) Payment accuracy and timely processing of case actions are used as quantitive measures of performance and reflected in performance and appraisal forms; and

(*2*) Selective second-party case reviews are conducted. Moreover, the second-party review results are periodically reported to higher level management, as well as supervisors and workers, and are used in paragraph (g)(2)(iii)(D)(*1*) above; and

(*3*) Regular operational reviews of local offices are performed to evaluate the offices' effectiveness in meeting error reduction goals with periodic monitoring to ensure that review recommendations have been implemented.

(*4*) The failure of a State to act upon necessary legislative changes or to obtain budget authorization for needed

resources is not a basis for finding that a State failed to meet the national standard despite a good faith waiver.

(h) *Disallowances subject to appeal.* If a State does not agree with our decision to reduce (disallow) FFP, it can appeal to us within 30 days from the date of our notice. The regular procedures for appeal of a disallowance will apply including review by the Administrator and by the Grant Appeals Board (see 45 CFR Part 16). This appeal provision, as it applies to AFDC Quality Control disallowances, is not applicable to the Secretary's decision on a State's "good faith" waiver request.

[FR Doc. 87–1455 Filed 1–30–87; 8:45 am]
BILLING CODE 4150–04–M

Notices

Federal Register
Vol. 52, No. 21
Monday, February 2, 1987

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Draft Environmental Impact Statement and the Proposed Land and Resource Management Plan, Bridger-Teton National Forest, WY

The Bridger-Teton National Forest finds it necessary to extend the review period for The Draft Environmental Impact Statement for their Proposed Land and Resource Management Plan to meet demands for involvement. The Forest extended the public involvement to include the following open houses:

Kemmerer, Wyoming, February 16, 7:00 pm
Afton, Wyoming, February 16, 7:00 pm
Pinedale, Wyoming, February 17, 7:00 pm
Dubois, Wyoming, February 18, 7:00 pm
Jackson, Wyoming, February 19, 7:00 pm
Casper, Wyoming, February 20, 7:00 pm

The Bridger-Teton National Forest Environmental Impact Statement and Land and Resource Management Plan review period is hereby extended for 22 days, from February 6 to February 28, 1987. Written comments on the draft documents should be sent to: Forest Supervisor, Bridger-Teton National Forest, Forest Service Building, P.O. Box 1888, 340 North Cache, Jackson, Wyoming 83001.

For further information, contact Carl Pence at the above address, or contact him by calling (307) 733–2752.

T.A. Roederer,

Deputy Regional Forester, Resources.

[FR Doc. 87–1918 Filed 1–30–87; 8:45 am]

BILLING CODE 3410–11–M

Oil and Gas Leasing in the Escalante Known Geological Structure, Dixie National Forest, UT

This notice extends the period for comments referred to in the Revised Notice of Intent to Prepare an Environmental Impact Statement (EIS) for Oil and Gas Leasing in the Escalante Known Geological Structure published in the **Federal Register** on January 6, 1987.

Comments are being solicited to determine the scope of issues to be addressed in the EIS. They should identify significant issues related to the proposed activity.

Such comments will be accepted until March 2, 1987.

Written comments and suggestions concerning the proposal should be sent to Mr. Hugh Thompson, Forest Supervisor, Dixie National Forest, Cedar City, UT 84720.

Mr. J. S. Tixier, Regional Forester, Intermountain Region, Ogden, Utah, is the responsible official. The draft EIS should be available for public review and comment by April 1987. The final EIS is scheduled to be completed by October 1987.

Questions about the proposed action and EIS should be directed to Calvin Bird, Forest Land Planner, Dixie National Forest, Cedar City,UT 84720, or Douglas Austin, District Ranger, Escalante Ranger District, Escalante, UT 84726, Phone (801) 826–4221.

Dated: January 23, 1987.

T.A. Roederer,

Deputy Regional Forester, Resources.

[FR Doc. 87–1919 Filed 1–30–87; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

Agency Form Under Review by the Office of Management and Budget

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of the Census
Title: 1987 Census of Transportation
Form Number: Agency-CD–4200, CD–4400, CD–4700, CD–4299; OMB No. –NA
Type of Request: New collection
Burden: 152,000 respondents; 69,100 reporting hours
Needs and Uses: This survey is part of the 1987 Economic Censuses, which are the major source of facts about the structure and functioning of a large segment of the economy, and which provide essential information for government, business, and the general public.
Affected Public: Businesses or other for-profit institutions, small businesses or organizations
Frequency: One time
Respondent's Obligation: Mandatory
OMB Desk Officer: Don Arbuckle, 395–7340

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377–4217, Department of Commerce, Room H6622, 14th and Constitution Avenue, NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Don Arbuckle, OMB Desk Officer, Room 3228, New Executive Office Building, Washington, DC 20503.

Dated: January 27, 1987.

Edward Michals,

Departmental Clearance Officer, Office of Management and Organization.

[FR Doc. 87–1987 Filed 1–30–87; 8:45 am]

BILLING CODE 3510–07–M

International Trade Administration

[A–201–601]

Certain Fresh Cut Flowers From Mexico; Postponement of Final Antidumping Duty Determination

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice.

SUMMARY: The final antidumping duty determination on certain fresh cut flowers from Mexico is being postponed until not later than January 27, 1987.

EFFECTIVE DATE: February 2, 1987.

FOR FURTHER INFORMATION CONTACT: William Kane or John Brinkmann, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 377–1766 or (202) 377–3965.

SUPPLEMENTARY INFORMATION: On October 28, 1986, we made an affirmative preliminary antidumping duty determination that certain fresh cut flowers from Mexico are being, or are

likely to be, sold in the United States at less than fair value (51 FR 39896, November 3, 1986). The notice stated that we would issue our final determination by January 12, 1987.

On January 12, 1987, pursuant to a request by counsel for respondents representing a significant proportion of the merchandise under investigation, we extended the period for the final determination until not later than January 20, 1987.

On January 16, 1987, counsel for those respondents requested that the Department further extend the period for the final determination for an additional week, in accordance with section 735(a)(2)(A) of the Tariff Act of 1930, as amended (the Act). If exporters who account for a significant proportion of exports of the merchandise under investigation properly request an extension after an affirmative preliminary determination, we are required, absent compelling reasons to the contrary, to grant the request. Accordingly, the period for the final determination in this case is hereby extended. We intend to issue the final determination not later than January 27, 1987.

Scope of Investigation

The products covered by this investigation are fresh cut standard carnations, standard chrysanthemums and pompon chrysanthemums, currently provided for in item 192.21 of the *Tariff Schedules of the United States.*

This notice is published pursuant to section 735(d) of the Act.

The United States International Trade Commission is being advised of this postponement is accordance with section 735(d) of the Act.

Gilbert B. Kaplan,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 87-1992 Filed 1-30-3510-87; 8:45 am]

BILLING CODE 3510-DS-M

[A-201-601]

Certain Fresh Cut Flowers From Mexico; Postponement of Final Antidumping Duty Determination

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice.

SUMMARY: The final antidumping duty determination on certain fresh cut flowers from Mexico is being postponed until not later than February 17, 1987.

EFFECTIVE DATE: February 2, 1987.

FOR FURTHER INFORMATION CONTACT: William D. Kane or John Brinkmann, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 377-1766 or (202) 377-3965.

SUPPLEMENTARY INFORMATION: On October 28, 1986, we made an affirmative preliminary antidumping duty determination that certain fresh cut flowers from Mexico are being, or are likely to be, sold in the United States at less than fair value (51 FR 39896, November 3, 1986). The notice stated that we would issue our final determination by January 12, 1987.

On January 12, 1987, pursuant to a request by counsel for respondents representing a significant proportion of the merchandise under investigation, we extended the period for the final determination until not later than January 20, 1987.

On January 20, 1987, counsel for respondents requested an additional extension for one week until not later than January 27, 1987.

On January 23, 1987, counsel for respondents requested a further postponement of the final determination until not later than February 17, 1987, in accordance with section 735(a)(2)(A) of the Tariff Act of 1930, as amended (the Act). If exporters who account for a significant proportion of the exports of the merchandise under investigation properly request an extension after an affirmative preliminary determination, we are required, absent compelling reasons to the contrary, to grant the request. Accordingly, the period for the final determination in this case is hereby extended. We intend to issue the final determination not later than February 17, 1987.

Scope of Investigation

The products covered by this investigation are fresh cut standard carnations, standard chrysanthesmums and pompon chrysanthemums, currently provided for in item 192.21 of the *Tariff Schedules of the United States.*

This notice is published pursuant to section 735(d) of the Act.

The United States International Trade Commission is being advised of this postponement in accordance with section 735(d) of the Act.

January 27, 1987.

Joseph A. Spetrini,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 87-1993 Filed 1-30-87; 8:45 am]

BILLING CODE 3510-DS-M

[A-337-602]

Final Determination of Sales at Less Than Fair Value; Standard Carnations From Chile

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: We have determined that standard carnations from Chile are being, or are likely to be, sold in the United States at less than fair value and have notified the U.S. International Trade Commission (ITC) of our determination. We have directed the U.S. Customs Service to continue to suspend the liquidation of all entries of standard carnations that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice, except for entries from Soc. Flores Del Sur Ltda., and to require a cash deposit or bond for each entry in an amount equal to the estimated dumping margin as described in the "Continuation of Suspension of Liquidation" section of this notice.

EFFECTIVE DATE: February 2, 1987.

FOR FURTHER INFORMATION CONTACT: Mary Jenkins or John Brinkmann, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 377-1756 or (202) 377-3965.

SUPPLEMENTARY INFORMATION:

Final Determination

We have determined that standard carnations from Chile are being, or are likely to be, sold in the United States at less than fair value, as provided in section 735(a) of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1673d(a)). We made fair value comparisons on sales of the class or kind of merchandise to the United States by the respondents during the period of investigation, June 1, 1985 through May 31, 1986. Comparisons were based on

United States price and foreign market value. Foreign market value was based on home market prices.

The margins found for the companies investigated are listed in the "Continuation of Suspension of Liquidation" section of this notice.

Case History

On May 21, 1986, we received a petition in proper form filed by the Floral Trade Council of Davis, California. The petition was filed on behalf of the U.S. industry that grows standard carnations. In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleged that imports of the subject merchandise from Chile are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (the Act), and that these imports materially injure, or threaten material injury to, a U.S. industry.

We determined that the petition contained sufficient grounds upon which to initiate an antidumping duty investigation. We initiated such an investigation on June 10, 1986 (51 FR 21947, June 17, 1986), and notified the ITC of our action. On July 7, 1986, the ITC determined that there is a reasonable indication that imports of standard carnations from Chile materially injure a U.S. industry (USITC Pub. No. 1887).

On July 16, 1986, we presented antidumping duty questionnaires to Jorge Puiggros Mazuela and Agricola Longotoma. On November 8, 1986, Jorge Puiggros Mazuela advised the Department that it had changed its name to Soc. Flores Del Sur Ltda. These companies accounted for approximately 63 percent of exports from Chile of the subject merchandise to the United States during the period of review. We requested responses in 30 days. On August 18, 1986, at the request of respondents, we granted extensions of the due dates for the questionnaire responses. On September 10, we received responses from Soc. Flores Del Sur Ltda. and Agricola Longotoma. On October 1, we requested additional information from respondents. We received supplemental responses on October 14, 1986. The preliminary determination was made on October 28, 1986.

From November 4, to November 8, 1986, we conducted our verification in Chile.

On December 22, 1986 we received a request from respondents to extend the due date of our final determination until January 26, 1987. On January 9, 1987, pursuant to section 735(a)(2)(A) of the Tariff Act of 1930, as amended, we extended the due date of the final determination until not later than January 26, 1987 (52 FR 1515, January 14, 1987). A hearing requested by the petitioner was scheduled for November 26, 1986. The hearing was cancelled after the petitioner withdrew its request. As required by the Act, we afforded interested parties an opportunity to submit written comments to address the issues arising in this investigation.

Scope of Investigation

The products covered by this investigation are standard carnations currently provided for in item 192.21 of the *Tariff Schedules of the United States*.

Fair Value Comparisons

In order to determine whether sales of the subject merchandise to the United States were made at less than fair value, we compared a weighted-average monthly price of U.S. sales with a foreign market value based on home market prices.

Section 620(a) of the Trade and Tariff Act of 1984 (19 U.S.C. 1677f(1) expanded the discretionary use of sampling and averaging by the Department to include the determination of United States price or foreign market value, so long as the average is representative of the transactions under investigation. A combination of factors persuaded us to average the prices charged for U.S. sales in this investigation.

In a situation, such as here, where there is a mass filing of petitions alleging the sale of the same products at less than fair value from a number of countries, the limited resources of the Department are severely taxed due to the statutory deadlines. Eight separate cases were filed, some of them covering up to seven types of flowers. At the time of the preliminary determinations, the Department was confronted with over 260,000 sales transactions in the United States of the fresh cut flowers from various countries under investigation. A decision to make fair value comparisons transaction-by-transaction would present an onerous, perhaps impossible, burden on the Department in terms of data collection, verification, and analysis. Consequently, the Department exercised its broad discretion to average United States price, as authorized by the 1984 amendment to the Act, in order to reduce the administrative burden and maximize efficient use of limited resources, without loss of reasonable fairness in the results.

Another factor in our determination is the need for consistency in our treatment of all the cut flowers investigations. Although the number of transactions varies among the countries being investigated, uniform application of the averaging methodology ensures that all countries are treated on the same basis.

Moreover, because of the perishability of the product under investigation, we believe that averaging of the United States prices in this case contributes to a more fair and more representative measure of fair value. Because of this perishability, sellers may be faced with the choice of accepting whatever return they can obtain on certain sales or destroying the merchandise. Unlike non-perishable products, sellers cannot withhold their flowers from the market until they can obtain a higher price.

Faced with investigating sales of a product that is perishable, the Department has three options. The first would be to disregard entirely the "end of the day" or "distress" sales that are taken in lieu of destroying the product. The second would be to perform a transaction-by-transaction comparison. Finally, the third approach would be to employ limited averaging of United States prices.

Under the first approach, the Department would ignore the end of the day sales on the basis that such sales are not representative of the sellers' behavior in the U.S. market. To do so, however, would completely overlook the fact that such sales do occur in the ordinary course of trade in this product. Moreover, any attempt to segregate end of the day sales from dumped sales would be fraught with difficulties. Therefore, we have rejected this approach.

Under the second alternative, the Department would perform a transaction-by-transaction comparison. As noted above, the administrative burden imposed by a transaction-by-transaction comparison in these cases would be overwhelming. Moreover, given the Department's practice of treating non-dumped sales as having zero margins, even where the margins would be negative, this approach would give disproportionate weight to the end of the day sales. In other words, a producer whose normal sales are at prices above fair value could be found to be dumping solely because of these end of the day transactions. Again, we note that these sales arise only because of the perishability of the products under investigation.

The final approach, limited averaging of United States prices, represents a balancing of the concerns raised by the other approaches. It does not ignore the fact that such end of the day sales occur in the ordinary trade of this product. Nor does it assign disproportionate weight to

these sales. Therefore, this comparison yields the most accurate basis for determining whether sales are at less than fair value and constitutes the most representative analysis of trading practices which involve perishable products.

Finally, we note that well before passage of the Trade and Tariff Act of 1984, the Department used its discretion to employ nontraditional methodology when circumstances dictated. In *Certain Fresh Winter Vegetables From Mexico; Antidumping: Final Determination of Sales at Not Less Than Fair Value,* (45 FR 20512, (1980)), we used economic sampling techniques involving averaging to determine U.S. price because of the wide fluctuations in price due to the perishability of the product, among other reasons. This decision was affirmed by the Court of International Trade in *Southwest Florida Winter Vegetable Growers Ass'n.* v. *United States,* 7 CIT 99, 584 F. Supp. 10 (1984). The court noted that the Department has "broad flexibility" in administering the antidumping law, which it employed "with reasonable basis in fact reflecting the unique characteristic of perishability in the produce industry." *Id.* at 107–108.

United States Price

As provided in section 772(b) of the Act, we used the purchase price of the subject merchandise to represent the United States price for Agricola Longotoma when the merchandise was sold to unrelated purchasers prior to importation into the United States. We calculated the purchase price based on the f.o.b. Santiago, packed price to unrelated purchasers in the United States. We made deductions, where appropriate, for foreign inland freight and export service charges.

As provided in section 772(c) of the Act, we used the exporter's sales price, where appropriate, to represent the United States price for Soc. Flores Del Sur Ltda. and Agricola Longotoma for that merchandise sold to unrelated purchasers after importation into the United States. We made deductions, where appropriate, for foreign and domestic inland freight, handling, air freight, export service charges, credit expenses and commissions.

Because the Generalized System of Preferences is applicable to Chilean flowers, there was no United States duty charge to deduct.

We used monthly weighted averages for United States price because, in many instances, the consignees in the United States reported sales on a monthly basis. For exporters in some countries, the only information available on United States sales is monthly totals.

Foreign Market Value

For purposes of this investigation, the Department looked at an extended period of investigation of 12 months in order to compensate for the seasonality of flower production and sales.

In calculating foreign market value, the period of investigation was broken into two six-month periods, in accordance with our standard practice. We are not persuaded to change that practice in this case. During each six-month period, if home market sales occurred in three months or more, then the weighted-average prices for the months with sales were used for the entire six-month period.

In accordance with section 773(a) of the Act, we calculated foreign market value based on packed prices to unrelated purchasers in the home market. When comparing foreign market value to U.S. exporter's sales prices, we made a deduction, where appropriate, for credit expenses in the home market and for indirect selling expenses, as an offset for commissions paid in the U.S. market, as provided for in § 353.15(c) of the Commerce Regulations. For U.S. purchase price sales, we made an adjustment under § 353.15 of the Commerce Regulations for differences in circumstances of sale for credit expenses in the United States and home market.

For both purchase price and exporter's sale price comparisons, in order to adjust for differences in packing between the two markets, we subtracted home market packing and added U.S packing to foreign market value.

Currency Conversion

For comparisons involving purchase price transactions when calculating foreign market value, we made currency conversions from Chilean pesos to U.S. dollars in accordance with § 353.56(a)(1) of our regulations. For comparisons involving exporter's sales price transactions, we used the official exchange rate on the date of purchase pursuant to section 615 of the Trade and Tariff Act of 1984. We followed section 615 of the 1984 Act rather than § 353.56(a)(2) of our regulations, as it supersedes that section of the regulations.

Normally, we use certified daily exchange rates furnished by the Federal Reserve Bank of New York as the official exchange rate but no certified rates were available for Chile. Therefore, in place of the official certified rate, we used the monthly exchange rates published by Bank of America, London, as best information available.

Petitioner's Comments

Petitioner's Comment 1: Petitioner argues that the Department should not use monthly averages for determination of United States prices for the final determination as it did for the preliminary determination. It argues that the use of such averages for products whose prices fluctuate on a daily or weekly basis disguises dumping margins. Petitioner further contends that, if the Department uses averages, the law restricts their use to instances in which the use of averaging does not distort the existence or amount of less than fair value sales and to situations involving large numbers of transactions, where sale by sale analysis would impose an onerous burden on the Department. Petitioner maintains that both statute and administrative precedent preclude the use of averaging in this case. If the Department does proceed to use averages for United States price, however, petitioner suggests use of daily averages during the winter and spring months and other months which had significant swings in unit prices.

DOC Position: We disagree. See the "Fair Value Comparison" section of this notice.

Petitioner's Comment 2: Petitioner argues that the Chilean home market sales should not be used as a basis for foreign market value for the final determination. It states that the flowers sold in the home market are either not export quality flowers or, if export quality, are sold as distress sales when shipment is not possible to the United States and, as such, are not sold in the ordinary course of trade. In addition, it contends that home market sales for Soc. Flores Del Sur Ltda. are below the cost of production and, therefore, must be rejected.

DOC Position: We disagree. The Department is satisfied that home market sales reported by the growers and verified are "such or similar merchandise" when compared to the export quality flowers sold by these growers in the United States. In reaching this determination we examined internal company documents regarding classification and control of flowers sold in both markets, and observed the classification and packaging of flowers at the farm or at the control distribution center.

There is also no justification for determining that these home market sales were not in the ordinary course of trade. Petitioner's arguments are not supported by § 353.3 of our regulations, which states that "in determining the

ordinary course of trade, conditions and practices which, for a reasonable time prior to the exportation of the merchandise which is the subject of an investigation, have been normal in the trade under consideration with respect to merchandise of the same class or kind shall be applicable." We have no evidence either from the petitioner or from the verification itself that the "conditions and practices" in Chile prior to exportation, or at any time, were not in the ordinary course of trade for the Chilean flower market.

Finally, with regard to petitioner's allegation that home market sales were below the cost of production, we note that this issue was raised for the first time by petitioner on December 12, 1986, one month prior to the final determination. Given the number of days required to conduct a cost of production investigation, we reject this allegation as an untimely submission.

Petitioner's Comment 3: Petitioner advocates that total movement charges and commissions incurred by respondents in shipping flowers to the United States should be allocated to United States flowers sold, and not to flowers shipped, since not all flowers shipped are eventually sold, but all import charges must be paid, whether the flowers are sold or not.

DOC Position: We agree. All movement charges incurred by respondents in this investigation on shipments made to the United States have been allocated over flowers sold, not flowers shipped. In all instances respondents reported commissions based on flowers sold.

Petitioner's Comment 4: Petitioner argues that certain home market sales of lower grade flowers should not be compared with export quality flowers. In the alternative, petitioner argues that, if such sales are utilized under 19 U.S.C. 1677(16), at a minimum, where applicable, the cost for coding, packing materials and labor attributable to packed, export quality flowers must be added to the home market prices of such home market flowers.

DOC Position: We agree. We have excluded home market sales for lower grade, non-export quality flowers from our calculations for foreign market value.

Petitioner's Comment 5: Petitioner argues that the Department should deduct from the United States price the amount paid for quality control services in the United States by Agricola Longotoma because it is an additional cost incidental to bringing the flowers to the United States.

DOC Position: We agree. The Department has considered the amount to be an additional expense incidental to bringing the merchandise to the United States and has deducted the cost of such services from United States price.

Petitioner's Comment 6: Petitioner argues that, to the extent that additional cost for export quality boxes used for overseas shipment of flowers by Soc. Flores Del Sur Ltda. are added to its United States price, the equivalent amount must be added to foreign market value.

DOC Position: We agree and have added the cost of U.S. packing, and deducted the cost of home market packing, to foreign market value.

Petitioner's Comment 7: Petitioner argues that ITA should not allow a deduction from home market prices for commissions paid by Agricola Longotoma as the verification showed that the commissions were paid to Agricola Longotoma's employees.

DOC Response: We disagree. We have allowed commissions in the home market as an indirect selling expense to offset the commissions paid in the U.S. market, in accordance with § 353.15(c) of our regulations.

Petitioner's Comment 8: Petitioner argues that air freight should be deducted from United States prices, and, to the extent the handling charges are a separate item from inland and air freight, such charges must be separately deducted from United States prices.

DOC Position: We agree. These deductions have been made.

Petitioner's Comment 9: Petitioner argues that credit returns issued by U.S. Floral to Soc. Flores Del Sur Ltda. for decayed flowers should be deducted in determining United States price.

DOC Position: We agree. Credit returns have been deducted from Soc. Flores Del Sur's United States price.

Petitioner's Comment 10: Petitioner argues that for Soc. Flores Del Sur's home market sales in the investigation: (1) There was no claim made on the record for commissions; (2) there are no facts establishing that commissions were actually paid; (3) there are no facts concerning the relationship between the grower and its home market consignee; and (4) there is no description of the method by which commissions were paid.

DOC Position: We disagree. Commissions on home market sales were reported in Soc. Flores Del's Sur's September 6, 1986, response. We determined from company bylaws and proof of ownership documents that the consignee in the home market did not have any relationship to the company. Liquidation documents for home market sales and amounts paid to the consignee were compared to sales values reported in the company's response and supported its claim that commissions were paid to the consignee in the home market.

Verification

As provided in section 776(a) of the Act, we verified all information provided by the respondents, using standard verification procedures, including examination of accounting records and original source documents containing relevant information on selected sales.

Continuation of Suspension of Liquidation

We are directing the U.S. Customs Service to continue to suspend liquidation of all entries of standard carnations from Chile that are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice in the **Federal Register**, except for entries from Soc. Flores Del Sur Ltda., in accordance with section 733(d) of the Act. The U.S. Customs Service shall require a cash deposit or the posting of a bond on all entries equal to the estimated weighted-average amount by which the foreign market value of the merchandise subject to this investigation exceeds the United States price as shown in the table below. The margins are as follows:

Manufacturer/seller/exporter	Weighted-average margin percentage
Soc. Flores Del Sur Ltda. (formerly Jorge Puiggros Mazuela)	0
Agricola Longotoma	28.78
All Others	28.78

Article VI.5 of the General Agreement on Tariffs and Trade provides that "[no] product . . . shall be subject to both antidumping and countervailing duties to compensate for the same situation of dumping or export subsidization." This provision is implemented by section 772(d)(1)(D) of the Act, which prohibits assessing antidumping duties on the portion of the margin attributable to export subsidies. Accordingly, there is no reason to require a cash deposit or bond for that amount. Therefore, the level of export subsidies (as determined in the January 26, 1987 final affirmative countervailing duty determination on standard carnations from Chile) will be subtracted from the dumping margins for deposit or bonding purposes.

ITC Notification

In accordance with section 735(d) of the Act, we have notified the ITC of our

determination. In addition, we are making available to the ITC all nonprivileged and nonproprietary information relating to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms in writing that it will not disclose such information either publicly or under an administrative protective order without the written consent of the Deputy Assistant Secretary for Import Administration. The ITC will determine whether these imports materially injure, or threaten material injury to, a U.S. industry within 45 days of the publication of this notice. If the ITC determines that material injury or threat of material injury does not exist, this proceeding will be terminated and all securities posted as a result of the suspension of liquidation will be refunded or cancelled. However, if the ITC determines that such injury does exist, we will issue an antidumping duty order directing Customs officers to assess an antidumping duty on standard carnations from Chile entered, or withdrawn from warehouse, for consumption on or after the suspension of liquidation, equal to the amount by which the foreign market value exceeds the United States price.

This determination is being published pursuant to section 735(d) of the Act (19 U.S.C. 1673d(d)).

Lee W. Mercer,

Acting Assistant Secretary for Trade Administration.

January 27, 1987.

[FR Doc. 87-1990 Filed 1-30-87; 8:45 am]

BILLING CODE 3510-DS-M

[A-423-601]

Mirrors in Stock Sheet and Lehr End Sizes From Belgium: Final Determination of Sales at Less Than Fair Value

AGENCY: International Trade Administration; Import Administration; Commerce.

ACTION: Notice.

SUMMARY: We have determined that mirrors in stock sheet and lehr end sizes from Belgium are being, or are likely to be, sold in the United States at less than fair value. The United States International Trade Commission (ITC) will determine, within 45 days of publication of this notice, whether these imports are materially injuring, or threatening material injury to, a United States industry. We have also directed the U.S. Customs Service to continue to suspend liquidation of all entries or mirrors in stock sheet and lehr end sizes from Belgium that are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice, and to require a cash deposit or bond for each entry in an amount equal to the estimated dumping margin as described in the "Continuation of Suspension of Liquidation" section of this notice.

EFFECTIVE DATE: February 2, 1987.

FOR FURTHER INFORMATION CONTACT: Mary S. Clapp, (202) 377-1769, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC, 20230.

SUPPLEMENTARY INFORMATION:

Final Determination

We have determined that mirrors in stock sheet and lehr end sizes from Belgium are being, or are likely to be, sold in the United States at less than fair value as provided in section 735 of the Tariff Act of 1930, as amended (19 U.S.C. 1673d) (the Act). The weighted-average margin is shown in the "Continuation of Suspension of Liquidation" section of this notice.

Case History

On April 1, 1986, we received a petition in proper form filed by the National Association of Mirror Manufacturers, on behalf of the U.S. industry producing mirrors in stock sheet and lehr end sizes. In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleged that imports of the subject merchandise from Belgium are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act, and that these imports materially injure, or threaten material injury to, a U.S. industry. The petition included an allegation that home market sales were made at prices below the cost of production.

After reviewing the petition, we determined that it contained sufficient grounds upon which to initiate an antidumping duty investigation. We initiated the investigation on April 21, 1986 (51 FR 15933, April 29, 1986), and notified the ITC of our action.

On May 16, 1986, the ITC found that there is a reasonable indication that imports of mirrors in stock sheet and lehr end sized from Belgium are materially injuring a U.S. industry (U.S. ITC Pub. No. 1850; May, 1986).

On May 20, 1986, we presented a questionnaire to Glaverbel S.A. A response was received from Glaverbel, S.A. on July 9, 1986. Since Glaverbel had insufficient home market sales on which to base foreign market value, a cost response to the questionnaire was not required. On August 20, 1986, petitioner alleged that sales to third countries were below the cost of production. On September 8, 1986, we issued an affirmative preliminary determination of sales at less than fair value (51 FR 32505, September 12, 1986). On September 11, 1986, Glaverbel requested a postponement of the final determination until not later than the 135th day after the date of publication of our preliminary determination in the **Federal Register**, pursuant to section 735(a)(2)(A) of the Act. On September 29, 1986 we granted the request (51 FR 35382, October 3, 1986).

The United States International Trade Commission was advised of this postponement, in accordance with section 735(d) of the Act. Our notice of preliminary determination provided interested parties with an opportunity to submit views orally or in writing. Based upon a timely request, a public hearing was held on December 4, 1986.

Scope of Investigation

The products covered by this investigation are unfinished glass mirrors, made of any of the glass described in TSUS item numbers 541.11 through 544.41, 15 square feet or more in reflecting area, which have not been subjected to any finishing opeation such as beveling, etching, edging, or framing, currently classifiable in the *Tariff Schedules of the United States Annotated* (TSUSA) under item 544.5400.

Fair Value Comparison

To determine whether sales of the subject merchandise in the United States were made at less than fair value, we compared the United States price with the foreign market value.

We made comparisons on all U.S. sales of the product during the period of investigation.

The period of investigation is November 1, 1985 through April 30, 1986.

United States Price

We based United States price n C.I.F., packed prices and made deductions for ocean freight, inland freight and marine insurance.

Foreign Market Value

In accordance with section 773(a)(1)(B) of the Act, we determined that there were insufficient home market sales to be used as a basis for determining foreign market value. The

third country market with the largest volume of sales of the most similar merchandise is Italy (lehr end sizes). On August 20, 1986, petitioner alleged that sales to third countries were at prices below the cost of production. We did not have sufficient time to develop the cost of production data to make a proper comparison for our preliminary determination.

We have now determined the cost of production on the basis of the cost of materials, fabrication and general expenses and have made the following adjustments to Glaverbel's responses. Our adjustments to Glaverbel's original submission, are:

- Research and development expenses were included.
- Depreciation was corrected for furnace depreciation, new equipment and start-up costs.
- Fixed factory overhead expenses were allocated to mirrors on the basis of direct labor hours.
- Total financial expenses were allocated to mirrors on the basis of cost of goods sold.

We found insufficient sales to Italy at prices above the cost of production to form the basis for our comparisons. Therefore, we based foreign market value on constructed value.

Since the actual general expenses were above the statutory minimum of 10 percent of materials and fabrication costs, we used the actual expenses. Since profit was below the statutory minimum of eight percent of the foregoing, we used the statutory minimum of eight percent. We added U.S. packing and made adjustments for differences in circumstances of sale for warranty expenses and credit.

We made currency conversions from Belgian francs and Italian lira to U.S. dollars in accordance with section 353.56(a) of our regulations, using the certified daily exchange rates furnished by the Federal Reserve Bank of New York.

Petitioner's Comments

Comment 1: Petitioner claims that, as disclosed in the annual statement, the respondent owns 60% of Maasglas, B.V. and, therefore, Maasglas is considered to be a related party pursuant to section 773(e)(2) of the Act. As such, the intercompany transactions must be tested to determine if such prices represent a "fair value in the country in which the product is manufactured."

DOC Position: Section 773(e)(2) of the Act pertains to the determination of constructed value for the merchandise under investigation. For purposes of determining cost of production, the Department is concerned with determining if "all costs" for the production of the merchandise have been recovered. The Department reviewed Maasglas' costs to determine if full costs had been captured and to assess the "reasonableness" of these costs. We found that the costs had been captured and were reasonable.

For purposes of determining constructed value in accordance with section 773(e)(2) we compared the price at which Maasglas transferred float glass to Glaverbel to the market value of float glass. We determined that the arms length market value of float glass was less than the transfer price. Therefore, we used the transfer price.

Comment 2: Petitioner contends that the production costs of float glass are unacceptable since general, administrative, and other overhead expenses incurred at the corporate level by Maasglas B.V. or overhead expenses incurred at the divisional level for float glass were not fully included.

DOC Position: We disagree. All applicable divisional overhead and administrative, social and industial expenses of all appropriate corporate entities were included in the costs.

Comment 3: Petitioner argues that the production costs of float glass should be increased to account for inventory costs incurred by the respondent and Maasglas, B.V.

DOC Position: The inventory carrying costs have been included in the warehouse and interest expenses.

Comment 4: Petitioner claims that the interest expense claimed by the respondent is unacceptable, since the interest cost are less than the ratio of corporate interest costs to corporate cost of goods sold.

DOC Position: The claimed interest costs have been revised to reflect a proportional share of total financial expenses in the cost of production.

Comment 5: Petitioner argues that the Department reject the respondent's cost of production response, since certain costs such as market prices for float glass, divisional GS&A, corporate level GS&A and selling costs were not included.

DOC Position: Although certain costs were not included in the original submission, the relevant information was provided during verification. The Department's position concerning the alleged omissions has been addressed in other comments. Adjustments have been made to the cost of production for omitted costs.

Comment 6: Petitioner argues that claims for certain adjustments to sales to the United Kingdom have not been properly supported or quantified.

DOC Position: Since we did not use sales to the United Kingdom for purposes of our final determination, the issue is moot.

Comment 7: Petitioner contends that the rebates claimed by the respondent should not be deducted from sales prices unless they can be shown to be directly related to the sales under consideration.

DOC Position: We verified that the rebates were granted to satisfy claims for defective merchandise or overinvoicing and were credited against specific sales of the subject mirrors during the period of investigation. In those instances where we did not find evidence that claimed rebates had been granted, we disallowed the claimed adjustments. These rebates formed the basis for the adjustment for differences in circumstances of sale to constructed value.

Respondent's Comments

Comment 1: Respondent argues that the 0.82 percent margin found at the time of the preliminary determination should be considered *de minimis* in the context of this investigation and that our determination should be negative.

DOC Position: Since this determination resulted in an 18.82 percent margin, the issue is moot.

Comment 2: Respondent contends that the lehr end size mirrors sold to Italy are more similar to the stock sheet mirrors sold to the United States than the PB size mirrors sold to the United Kingdom, which were used as the basis for our comparisons in the preliminary determination. Respondent bases its argument on the fact that the lehr end mirrors differ from the stock sheet mirrors in one lateral dimension while the PB size mirrors differ in both lateral dimensions.

DOC Position: We agree and limited our price analysis to lehr end mirrors sold in Italy. Constructed value was based on the material and fabrication costs of the mirrors sold to the United States.

Comment 3: Respondent argues that we should reduce the prices of lehr end mirrors sold to Italy by the amount of commissions paid to related parties, since commissions of equal or greater magnitude are paid to unrelated agents in other third country markets. Respondent claims that if an adjustment is made for these commissions the commission offset adjustment relative to U.S. sales should not be made since the prices to the U.S. importer are net of a markup which exceeds the amount of the commission.

DOC Position: The level of commissions paid to unrelated agents in other markets does not serve as a proper basis for determining that commissions paid to related agents are reflective of arms length transactions. Other factors in the respective markets may also influence the quantification of commissions paid. No evidence has been presented to demonstrate that the related agents are functioning as unrelated agents would. Therefore, we have disallowed the adjustment to constructed value for commissions and the issue of offsets is moot.

Verification

As provided in section 776(a) of the Act, we verified all information provided by Glaverbel by using standard verification procedures, which include on-site inspection of manufacturer's facilities and examination of relevant sales and financial records of the company.

Continuation of Suspension of Liquidation

In accordance with section 733(d) of the Act, we are directing the U.S. Customs Service to continue to suspend liquidation of all entries of mirrors in stock sheet and lehr end sizes from Belgium that are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice in the **Federal Register**. The U.S. Customs Service shall require a cash deposit or the posting of a bond equal to the estimated weighted-average amount by which the foreign market value of the merchandise subject to this investigation exceeds the United States price as shown in the table below. This suspension of liquidation will remain in effect until further notice.

Manufacturer/producer/exporter	Weighted-average margin percentage
Glaverbel, S.A.	18.82
All other manufacturers/producers/exporters	18.82

ITC Notification

In accordance with section 735(d) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all nonprivileged and nonproprietary information relating to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration.

The ITC will make its determination whether these imports materially injure, or threaten material injury to, a U.S. industry within 45 days of publication of this notice. If the ITC determines that material injury or threat of material injury does not exist, the proceeding will be terminated and all securities posted as a result of the suspension of liquidation will be refunded or cancelled.

However, if the ITC determines that such injury does exist, we will issue an antidumping duty order directing Customs officers to assess an antidumping duty on mirrors in stock sheet and lehr end sizes from Belgium entered, or withdrawn from warehouse, for consumption after the suspension of liquidation, equal to the amount by which the foreign market value exceeds the United States price.

This determination is being published pursuant to section 735(d) of the Act (19 U.S.C. 1673d(d)).

Lee W. Mercer,

Acting Assistant Secretary for Trade Administration.

January 27, 1987.

[FR Doc. 87-1991 Filed 1-30-87; 8:45 am]

BILLING CODE 3510-DS-M

[C-351-608; A-351-607]

Postponement of Final Countervailing and Antidumping Duty Determinations and Rescheduling of the Public Hearings; Disposable Paint Filters and Strainers From Brazil

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice.

SUMMARY: This notice informs the public that we have received a request from the respondent in the antidumpting duty investigation on disposable paint filters and strainers from Brazil, that the final antidumpting duty determination be postponed for 135 days from publication of our antidumping duty preliminary determination, as provided for in section 735(a)(2)(A) of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1673d(a)(2)(A)).

Pursuant to section 705(a)(1) of the Tariff Act of 1930, as amended by section 606 of the Trade and Tariff Act of 1984 (Pub. L. 98-573), we are also extending the date of the countervailing duty investigation of the same product from Brazil. The final determinations of these cases are now scheduled for not later than May 15, 1987. In addition, we are rescheduling the public hearings in these investigations.

EFFECTIVE DATE: February 2, 1987.

FOR FURTHER INFORMATION CONTACT: Steven Lim (Antidumping) or Thomas Bombelles (Countervailing Duty), Office of Investigations, Import Administration, International Trade Administration, United States Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 377-5332 (Lim) or 377-3174 (Bombelles).

Case History

On July 15, 1986, we received antidumpting and countervailing duty petitions filed in proper form by the Louis M. Gerson Co. Inc., of Middleboro, Massachusetts, on paint filters and strainers from Brazil. In compliance with the filing requirements of § 353.36 of our regulations (19 CFR 353.36), the antidumpting and countervailing duty petitions alleged that imports of paint filters and strainers are being, or are likely to be, sold in the United States a less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (the Act) and are being subsidized by the Government of Brazil within the meaning of section 701 of the Act. The petitions further alleged that these imports materially injure, or threaten material injury to, a U.S. industry.

We found that the petitions contained sufficient grounds upon which to initiate antidumpting duty and countervailing duty investigations, and on August 4, 1986, we initiated such investigations (51 FR 28737, 51 FR 28739, August 11, 1986). A preliminary negative determination in the countervailing duty investigation was made on October 30, 1986 (51 FR 36734, October 15, 1986). A preliminary affirmative determination in the antidumping investigation was made on December 22, 1986 (51 FR 47037, December 30, 1986).

On August 29, 1986, the ITC preliminarily determined that there is a reasonable indication that imports of paint filters and strainers cause material injury to a U.S. industry (51 FR 32257, September 10, 1986).

On October 22, 1986, petitioner filed a request for extension of the deadline date for the final determination in the countervailing duty investigation to correspond with the deadline date of the antidumping duty investigation. Section 705(a)(1) of the Tariff Act of 1930, as amended by section 606 of the Trade and Tariff Act of 1984, provides that when a countervailing duty investigation is "initiated

simultaneously with an [antidumping] investigation . . . which involves imports of the same class or kind of merchandise from the same or other countries, the administering authority, if requested by the petitioner, shall extend the date of the final determination [in the countervailing duty investigation] . . . to the date of the final determination" in the antidumping investigation (19 U.S.C. 1671d(a)(1)). Pursuant to this provision, we granted an extension of the deadline date for the final determination in the countervailing duty investigation of paint filters and strainers from Brazil to March 6, 1987, the original deadline for the final determination in the antidumping duty investigation.

On December 23, 1986, counsel for respondent requested that the Department extend the period for the final determination in the antidumping duty investigation to 135 days from the publication date of our preliminary antidumping duty determination in accordance with section 735(a)(2)(A) of the Act. Section 735(a)(2)(A) of the Act provides that the Department may postpone its final determination concerning sales at less than fair value until not later than 135 days after the date on which it published a notice of its preliminary determination, if exporters who account for a significant portion of the merchandise which is the subject of the investigation request a postponement after an affirmative preliminary determination.

The respondent is qualified to make such a request since it accounts for all exports of the merchandise under investigation. If a qualified exporter properly requests an extension after an affirmative preliminary determination, the Department is required, absent compelling reasons to the contrary, to grant the request. Accordingly, the Department will issue a final determination in the antidumping duty case not later than May 15, 1987. In addition, because the deadline for the countervailing duty determination has been tied to the deadline for the antidumping determination, we are also extending the final countervailing duty determination to the same date. The public hearings in these cases are being postponed until March 19, 1987 (10:00 a.m. for the countervailing duty investigation and 2:00 p.m. for the antidumping investigation), and will be held at the U.S. Department of Commerce, Room 1851, 14th Street and Constitution Avenue, NW., Washington, DC 20230. Accordingly, prehearing briefs must be submitted to the Deputy Assistant Secretary by March 9, 1987. All written views should be filed in accordance with 19 CFR 353.46, for the antidumping duty investigation, and 19 CFR 335.34 for the countervailing duty investigation, no later than 30 days before the final determinations are due, at the above address in at least 10 copies.

This notice is published pursuant to section 735(d) of the Act.

Joseph A. Spetrini,

Acting Deputy Assistant Secretary for Import Administration.

January 24, 1987.

[FR Doc. 87-1994 Filed 1-30-87; 8:45 am]

BILLING CODE 3510-DS-M

[Docket No. 82-067

University of California et al.; Disposition of Applications for Duty-Free Entry of Scientific Instruments: Correction

In FR Doc. 86-21039 appearing at page 32935 of the **Federal Register** of September 17, 1986, *Docket Number* 82-067 is amended to correct description of the instrument. Reference to the instrument should read: *Instrument:* Linear Actuators.

This notice is further amended to include the following application:

Docket Number 83-100. *Applicant:* University of California, Livermore, CA 94550. *Instrument:* Linear Actuators. *Date Revoked:* March 9, 1985. *Reason:* Ineligible components.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 87-1989 Filed 1-30-87; 8:45 am]

BILLING CODE 3510-DS-M

Yale University; Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR Part 301). Related records can be viewed between 8:30 AM and 5:00 PM in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Docket Number: 87-001. Applicant: Yale University, New Haven, CT 06511. Instrument: Magnetic Analysis System and Transport.

Manufacturer: Bruker Instruments, Inc., West Germany. Intended Use: See notice at 51 FR 40243, November 5, 1986.

Comment: None received. Decision: Application denied. An instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. The applicant claims that Question 8 of the application is not applicable since "equivalent equipment can be delivered by a domestic manufacturer, but the bid submitted by that manufacturer was nearly twice as large as the bid from the lowest bidder." 19 CFR 301.2(s) disallows cost as justification of duty-waiver. Duty-free entry of a foreign article under Pub. L. 89-651 is allowed only "if no instrument or apparatus of equivalent scientific value for the purposes for which the instrument is intended to be used is being manufactured in the United States" [see 19 CFR 301.1(b) (2) and (3)]. Since the applicant admits that equivalent equipment is available from a domestic manufacturer, a case cannot be made for duty-free entry on the basis of scientific equivalency. Therefore, pursuant to § 301.5(d)(1)(i) the application is denied.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 87-1995 Filed 1-30-87; 8:45 am]

BILLING CODE 3510-DS-M

National Oceanic and Atmospheric Administration

New England Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The New England Fishery Management Council will convene a public meeting, February 4, 1987, from 10 a.m. to approximately 4 p.m., at the Holiday Inn, Peabody, MA, to discuss reports of the groundfish and scallop oversight committees; the status of Atlantic salmon, as well as to discuss other fishery management and administrative matters.

For further information, contact Douglas G. Marshall, Executive Director, New England Fishery Management Council, Suntaug Office Park, 5 Broadway, (Route One), Saugus, MA 01906; telephone: (617) 231-0422.

Dated: January 27, 1987.

Richard B. Roe,

Director, Office of Fisheries Management, National Marine Fisheries Service.

[FR Doc. 87-1917 Filed 1-30-87; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Establishing an Import Limit for Certain Man-Made Fiber Textile Products Produced or Manufactured in the People's Republic of China

January 27, 1987.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on January 28, 1986. For further information contact Diana Solkoff, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212. For information on the quota status of this limit, please refer to the Quota Status Reports which are posted on the bulletin boards of each Customs port or call (202) 566–6828. For information on embargoes and quota re-openings, please call (202) 377–3715. For Information on categories for which consultations have been requested call (202) 377–3740.

Background

On December 9, 1986, a notice was published in the **Federal Register** (51 FR 44329), which established an import restraint limit for man-made fiber textile products in Category 650 (dressing gowns and robes), produced or manufactured in China and exported to the United States during the ninety-day period which began on October 30, 1986 and extends through January 27, 1987. The notice also stated that the Government of the People's Republic of China is obligated under the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement, effected by exchange of notes dated August 19, 1983, as amended, if no mutually satisfactory solution is reached on a level for this category during consultations, to limit its exports during the twelve-month period immediately following the ninety-day consultation period to 71,376 dozen.

No solution has been reached in consultations on a mutually satisfactory limit for Category 650. The United States Government has decided, therefore, to control imports of man-made fiber textile products in Category 650, exported during the twelve-month period beginning on January 28, 1987 at the level described above. The United States remains committed to finding a solution concerning this category. Should such a solution be reached in consultations with the Government of the People's Republic of China, further notice will be published in the **Federal Register**.

In the event the limit established for the ninety-day period has been exceeded, such excess amount, if allowed to enter, will be charged to the level established for the designated twelve-month period.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1987).

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

January 27, 1987.

Committee for the Implementation of Textile Agreements

Commissioner of Customs, Department of the Treasury,
Washington, DC 20229.

Dear Mr. Commissioner: Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as further extended on July 31, 1986; pursuant to the the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement, effected by exchange of notes dated August 19, 1983, as amended, between the Governments of the United States and the People's Republic of China; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on January 28, 1987, entry into the United States for consumption and withdrawal from warehouse for consumption of man-made fiber textile products in Category 650, produced or manufactured in China and exported during the period which begins on January 28, 1987 and extends through January 27, 1988, in excess of 71,376 dozen.

Textile products in Category 650 which are in excess of the ninety-day limit previously established shall be subject to this directive.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the Tariff Schedules of the United States Annotated (1987).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 87–1988 Filed 1–30–87; 8:45 am]

BILLING CODE 3510–DR–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Public Information Collection Requirement Submitted to OMB for Review

SUMMARY: The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of submission; (2) Title of Information Collection and Form Number, if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; and (8) The point of contact from whom a copy of the information proposal may be obtained.

Revision

DoD FAR Supplement Part 217.7204 and 52.217–7270 Part 217 of the DoD FAR Supplement and the clause at 252.217–7270, Identification of Sources of Supplies, require contractors for supplies to deliver a listing of the name and address of the actual manufacturer, producer or all sources of supply for the items being procured together with the national stock number and manufacturer's part number. The name and address of sources for technical data is also required. This requirement applies to all contracts requiring delivery of supplies, other than commercial items sold in substantial quantities to the general public at established catalog or market prices or awarded through full and open competition. This information will be used by contracting officers and parts breakout personnel to assure that

purchase is made from actual manufacturers, thus reducing overhead burden and profit incident to purchase through third parties. Further, this information will be used to identify sources for participation in competitive acquisitions.

Businesses or others for profit/small business or organizations.

Responses: 1,175,000.

Burden hours: 700,250.

ADDRESSES: Comments are to be forwarded to Mr. Edward Springer, Office of Management and Budget, Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503 and Mr. Daniel J. Vitiello, DoD Clearance Officer, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202–4302, telephone (202) 746–0933.

SUPPLEMENTARY INFORMATION: A copy of the information collection proposal may be obtained from Mr. Owen Green, DAR Council, ODASD(P)DARS, c/o OASD(A&L)(MRS), Room 3C841, The Pentagon, Washington, DC 20301–3062, telephone (202) 697–7266.

Dated: January 22, 1987.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 87–1949 Filed 1–30–87; 8:45 am]

BILLING CODE 3810–01–M

Ada Board Technology and Standards Panel; Meeting

ACTION: Notice of meeting.

SUMMARY: A meeting of the Ada Board Technology and Standards Panel will be held Wednesday, 18 February 1987 from 9:00 a.m. to 5:30 p.m., at the Institute for Defense Analyses, Five Skyline Place, 5111 Leesburg Pike, Suite 300, Falls Church, VA 22041.

FOR FURTHER INFORMATION CONTACT: Dr. Gerald Fisher, IBM, Thomas J. Watson Research Center, Yorktown Heights, NY 10598, (914) 945–1831.

Patricia H. Means,

Office of the Secretary of Defense, Federal Register Liaison Office, Department of Defense.

January 22, 1987.

[FR Doc. 87–1950 Filed 1–30–87; 8:45 am]

BILLING CODE 3810–01–M

Ada Board Evaluation and Validation Panel; Meeting

ACTION: Notice of meeting.

SUMMARY: A meeting of the Ada Board Evaluation and Validation Panel will be held Wednesday, 18 February 1987 from 9:00 a.m. to 5:30 p.m. at the Institute for Defense Analyses, 1801 N. Beauregard Street, Alexandria, VA 22311.

FOR FURTHER INFORMATION CONTACT: Dr. Dudrey C. Smith, Lear Siegler Inc., Instrument Division, Grand Rapids, MI 49508, (616) 241–7665.

Patricia H. Means,

Office of the Secretary of Defense, Federal Register Liaison Office, Department of Defense.

January 22, 1987.

[FR Doc. 87–1951 Filed 1–30–87; 8:45 am]

BILLING CODE 3810–01–M

Ada Board; Meeting

ACTION: Notice of meeting.

SUMMARY: A meeting of the Ada Board will be held Thursday, and Friday, 19–20 February 1987 from 9:00 a.m. to 5:00 p.m. at the Radisson Mark Plaza Hotel, 5000 Seminary Road, Alexandria, Virginia 22311.

FOR FURTHER INFORMATION CONTACT: Ms. Catherine McDonald, Institute for Defense Analyses, 1801 N. Beauregard Street, Alexandria, Virginia, 22311, (703) 824–5531.

Patricia H. Means,

Office of the Secretary of Defense, Federal Register Liaison Office, Department of Defense.

January 22, 1987.

[FR Doc. 87–1952 Filed 1–30–87; 8:45 am]

BILLING CODE 3810–01–M

Advisory Committee on Integrated Long-Term Strategy; Meeting

ACTION: Notice of Advisory Committee Meeting.

SUMMARY: The Advisory Committee on Integrated Long-Term Strategy will meet in closed session on 20 February 1987 in the Old Executive Office Building, Washington, DC.

The mission of the Advisory Committee on Integrated Long-Term Strategy is to provide the Secretary of Defense and the Assistant to the President for National Security Affairs with an independent, informed assessment of the policy and strategy implications of advanced technologies for strategic defense, strategic offense and theater warfare, including conventional war. At this meeting the Committee will hold classified discussions of national security matters dealing with strategic defense and strategic offense.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92–463, as amended [U.S.C. App. II, (1982)], it has been determined that this Advisory Committee meeting concerns matters listed in 5 U.S.C. 552b(c)(1)(1982), and that accordingly this meeting will be closed to the public.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

January 22, 1987.

[FR Doc. 87–1953 Filed 1–30–87; 8:45 am]

BILLING CODE 3810–01–M

Department of the Army

Public Information Collection Requirement Submitted to OMB for Review

SUMMARY: The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of submission; (2) title of Information Collection and Form Number if applicable; (3) abstract statement of the need for and the uses to be made of the information collected; (4) type of respondent; (5) an estimate of the number of responses; (6) an estimate of the total number of hours needed to provide the information; (7) to whom comments regarding the information collection are to be forwarded; and (8) the point of contact from whom a copy of the information proposal may be obtained.

Extension

Invitation for Bids etc. for Granting use of Real Property of the United States The bids, management plans, lease applications, ownership disclosure and record keeping and income reporting for concession leases enable the Corps to determine whether existing or potential grantees have or will manage federal property properly and to calculate rental charges for concession leases.

Respondents: Individuals or households, State or local governments, farmers, businesses or other for profit, small businesses or organizations.

Responses: 14,471

Burden Hours: 7,975.

ADDRESSES: Comments are to be forwarded to Mr. Edward Springer, Office of Management and Budget, Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503 and Mr. Daniel J. Vitiello, DOD Clearance Officer, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, Virginia 22202–4302, telephone number (202) 746–0933.

SUPPLEMENTARY INFORMATION: A copy of the information collection proposal may be obtained from Ms. Angela R. Petrarca, DAIM–ADI, Room 1C638, The Pentagon, Washington, DC 20310–0700, telephone number (202) 694–0754.

January 22, 1987.

Patricia H. Means,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 87–1954 Filed 1–30–87; 8:45 am]

BILLING CODE 3810–01–M

Army Science Board Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee Meetings:

Name of the Committee: Army Science Board (ASB)

Dates of Meeting: 19–20 February 1987

Time: 0830–1700 hours, 19 February
0830–1500 hours, 20 February

Place: Headquarters, TRADOC, Ft. Monroe, VA

Agenda: The Army Science Board 1987 Summer Study on Lightening the Force will meet at Headquarters, Training and Doctrine Command, Fort Monroe, VA for the purpose of gathering facts in the first phase of the study. On the first and second day of this meeting, briefings will be provided to the panel by HQ TRADOC and TRADOC agencies on scenarios, doctrine, force definition, and sealfit and airlift requirements. On the second day, the panel will identify sub-groupings for the panel's succeeding fact gathering and report writing efforts. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (202) 695–3039/7046.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 87–1920 Filed 1–30–87; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP87–147–000 et al.]

Natural Gas Certificate Filings; El Paso Natural Gas Co. et al.

January 22, 1987.

Take notice that the following filings have been made with the Commission:

1. El Paso Natural Gas Co.

[Docket No. CP87–147–000]

Take notice that on December 30, 1986, El Paso Natural Gas Company (El Paso), Post Office Box 1492, El Paso, Texas 79978, section 7(b) of the Natural Gas Act for authorization to abandon by conveyance to Gas Company of New Mexico, a Division of Public Service Company of New Mexico (Gas Company) certain compression, pipeline, metering and tap facilities, with appurtenances, located in Dona Ana and Otero Counties, New Mexico, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

El Paso states that by order issued April 25, 1950, in Docket No. G–1238, the Commission granted El Paso permanent certificate authority for, *inter alia*, the construction and operation of certain facilities in Dona Ana and Otero Counties, New Mexico, and the sale and delivery of natural gas to Sacramento Corporation for resale and distribution. El Paso states that those facilities included the following pipeline and meter stations: (1) Approximately 13.00 miles of 6⅝-inch O.D. pipeline and 56.80 miles of 4¼-inch O.D. pipeline, with appurtenances, referred to as the Alamogordo Line commencing in Dona Ana County and terminating at the Alamogordo City Gas Meter Station in Otero County, New Mexico; (2) approximately 4.30 miles of 2⅜-inch O.D. pipeline, with appurtenances, referred to as the White Sands Line, commencing at a point of interconnection with the Alamogordo Line and terminating at the White Sands Meter Station in Otero County, New Mexico; and (3) approximately 7.20 miles of 3½-inch O.D. pipeline, with appurtenances, referred to as the Holloman Air Force Base Line, commencing at a point of interconnection with the Alamogordo Line and terminating at the Holloman Air Force Base Meter Station in Otero County, New Mexico.

Additionally, it is stated, by order issued December 26, 1956, in Docket No. G–9540, the Commission granted El Paso permanent certificate authority for the construction and operation of certain additional facilities in Dona Ana and Otero Countries, New Mexico, and the sale and delivery of natural gas to Southern Union Gas Company, predecessor-in-interest to Gas Company, for resale to the White Sands Proving Ground, Holloman Air Force Base, and the Town of Alamogordo, New Mexico. It is further stated that such facilities certificated included: (1) The Alamogordo Compressor Station; (2) approximately 8.00 miles of 6⅝-inch O.D. and 6.20 miles of 4½-inch O.D. loop line, referred to as the Alamogordo Loop Line; and (3) approximately 3.10 miles of 4½ O.D. loop line, referred to as the Holloman Air Force Base Loop Line. El Paso further states that by order issued April 15, 1959, in Docket No. G–17505, the Commission granted El Paso certificate authority for the construction and operation of approximately 4.30 miles of 3½-inch O.D. loop line, referred to as the White Sands Loop Line.

El Paso states that due to growth in gas demand experienced on the Alamogordo System, El Paso expanded such system by the construction and operation of certain tap facilities, which included: (1) The Joyce Qualtrough Tap; (2) the Dolores C. Wright Tap; (3) the P.K. Colquitt Tap; (4) the Nike No. 1 Tap; (5) the West Walker Tap; (6) the Alamogordo Airport Tap; (7) the Alamogordo Airport No. 2 Tap; (8) the Sun Mobil Homes Tap; (9) the Mrs. LaVelle Hoket Tap; and (10) the White Sands Reactor Building Tap.

El Paso states that the Alamogordo Compressor Station, Alamogordo Line, Alamogordo Loop Line, White Sands Line, White Sands Loop Line, Holloman Air Force Base Line, and Holoman Air Force Base Loop Line, together with the meeting and tap facilities, which collectively constitute the Alamogordo System, are currently being utilized by El Paso to sell and deliver natural gas to Gas Company for resale to the White Sands Proving Ground, Holloman Air Force Base, and the community of Alamogordo, New Mexico and environs. It is further stated that deliveries by El Paso from its Alamogordo System to Gas Company at each of such metering and tap facilities are made pursuant to the terms and conditions of the currently-effective service agreement between El Paso and Gas Company dated February 1, 1970 (service agreement), on file with the Commission. Such service agreement was accepted by the Commission for filing effective as of April 23, 1970, by Commission letter order dated April 22, 1970, it is stated.

El Paso further states that since the installation by El Paso of the compression, pipeline, metering and tap facilities, with appurtenances, serving the White Sands Proving Ground, Holloman Air Force Base, and the community of Alamogordo, New Mexico, and environs, Gas Company has continued to experience increases in the natural gas requirements in and around the Alamogordo System. The increases in Gas Company's natural gas requirements at the delivery points

along the Alamogordo System have and continue to consist of high-priority load requirements. El Paso avers that with the projected continuous development of Gas Company's requirements, located in the general proximity of El Paso's Alamogordo System, El Paso's facilities have suffered serious encroachment. El Paso states that encroachment on the Alamogordo System is making normal maintenance increasingly difficult in that it hinders ingress and egress by El Paso. Further, from an operational standpoint, said facilities are now effectively serving a distribution function and can be more properly monitored and maintained by Company as a distribution pipeline facility, it is stated. El Paso states that ownership of the facilities would also permit Gas Company to attach new customers in an expeditious manner as requests for such service are received.

El Paso states that as a result of the present utilitization of the Alamogordo System, together with the increasing problems being experienced by El Paso concerning encroachment and operational maintenance, El Paso proposes to abandon and convey to Gas Company, and Gas Company has agreed to acquire, the Alamogordo System. The Alamogordo System would be conveyed to Gas Company at an estimated sales price of $325,000, pursuant to the terms and conditions of the letter agreement between El Paso and Gas Company dated November 21, 1986. El Paso further states that the proposed conveyance would permit El Paso to measure and make deliveries of natural gas to Gas Company at a single new point rather than at several points along or at the terminus of the Alamogordo Pipeline, thus giving El Paso a more precise degree of control of such deliveries.[1] No interruption, reduction or termination of natural gas service presently rendered by El Paso to any of its customers would result, and no material change in El Paso's average cost of service would result therefrom, El Paso states.

[1] El Paso would shortly file for prior notice authorization under § 157.211 of the Commission's Regulations, to install a master meter station to facilitate the sale of natural gas by El Paso to Gas Company for service to the White Sands Proving Ground, Holloman Air Force Base, and the community of Alamogordo, New Mexico and its environs, it is stated. It is further stated that such master meter station would be located at the point of interconnection of El Paso's existing 26-inch O.D. California Line, 30-inch O.D. California First Loop Line, 30-inch O.D. Waha Plant to Ehrenberg Line and the existing 6⅝-inch O.D. Alamogordo Pipeline in Dona Ana County, New Mexico.

Comment date: February 12, 1987, in accordance with Standard Paragraph F at the end of this notice.

2. Pacific Gas Transmission Co.

[Docket No. CP87–159–000]

Take notice that on January 13, 1987, Pacific Gas Transmission Company (Applicant), 160 Spear Street, Room 1909, San Francisco, California 94105–1570, filed in Docket No. CP87–159–000 an application pursuant to section 7(c) of the Natural Gas Act and § 284.221 of the Commission's Regulations (18 CFR 282.221) for a blanket certificate of public convenience and necessity authorizing transportation of natural gas on behalf of others, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to implement service under new Original Volume No. 1–a to its FERC Gas Tariff to render such service. Applicant seeks a waiver of the Commission's rate regulations contained in § 284.7 (d)(1) and (d)(2) of the Commission's Regulations (18 CFR 284.7(d)(1) and (d)(2)) to commence 30 days from the date of filing this application. Applicant also requests that the waiver apply to transportation under § 282.102 of the Commission's Regulations (18 CFR 282.102) that implements section 311(a)(1) of the Natural Gas Policy Act of 1978. Applicant requests continuation of this temporary waiver until such time rates are placed into effect under its next general rate case which, Applicant states, would be filed in May of 1987.

Applicant requests temporary authorization for gas transportation, pending approval and acceptance of the blanket certificate application, to commence 30 days from the date of filing of this application. Applicant further requests that it be afforded a reasonable opportunity to assess the action which the Commission takes with respect to its general rate case prior to accepting the blanket certificate sought by the application and that it be allowed to operate under such temporary authority until that time.

Applicant proposes to begin open access under Order No. 436 in two phases. Applicant states that in the first phase it intends to conduct a lottery to determine priority of service for all shippers whose requests for service are received within ten calendar days beginning on the date of filing of the instant application. All requests for service received after the ten-day period would be prioritized on a first come, first served basis. In the event that the use of a lottery is not deemed appropriate, Applicant proposes to prioritize all requests for service on a first come, first served basis. It is said that service would be in full compliance with Order No. 436 except for certain rate provisions. Applicant proposes to offer interruptible and firm service but states that at the present time its full system capacity is contractually committed to its existing firm service customers. Applicant proposes, during the interim period, to credit transportation revenues to the cost of service of its existing firm service customers.

In the second phase Applicant would file tariff sheets in compliance with the general principles contained in the Commission's rate regulations as set forth in § 284.7(d)(1) and (d)(2) by May 1987, at which time there would be an opportunity for full compliance review of Applicant's open access program.

It is further explained that in compliance with the application procedure set forth at § 284.221(b)(1), Applicant would comply with the condition in paragraph (c) of § 284.221, that are the conditions contained in Subpart A of Part 284 of the Commission's Regulations.

Comment date: February 12, 1987, in accordance with Standard Paragraph F at the end of this notice.

3. Southern Natural Gas Co.

[Docket No. CP87–139–000]

Take notice that on December 23, 1986, Southern Natural Gas Company (Applicant), P.O. Box 2563, Birmingham, Alabama 35202–2563, filed in Docket No. CP87–139–000 an application pursuant to section 7(b) of the Natural Gas Act and for permission and approval to abandon by sale an interest in certain pipeline and measuring facilities in Escambia County, Alabama, and to abandon two transportation services which involve said facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to abandon by sale to Florida Gas Transmission Company (FGT) an undivided one-half interest in 3.128 miles of 10-inch pipeline and related metering stations and appurtenances extending from facilities owned by Exxon Corporation to an interconnection with FGT's main

transmission line in Escambia County, Alabama. Applicant also proposes to abandon a transportation service performed for FGT through the subject facilities. Applicant states that in Docket No. CP74-307 it was authorized to transport up to 2,000 Mcf of natural gas per day through the facilities on a long-term basis. Applicant also states that it performs a transportation service authorized under Part 284 of the Commission's Regulations which was reported by Applicant in Docket No. ST85-818-000. It is stated that FGT will no longer require these transportation services once it acquires the one-half interest in the Escambia County facilities.

It is claimed that Applicant does not require the use of the one-half interest in the facilities for its own gas supplies and that the sale of this interest will not have any adverse effect on any sales or services rendered by Applicant.

Comment date: February 12, 1986, in accordance with Standard Paragraph F at the end of this notice.

Standard Paragraph

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-1939 Filed 1-30-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF87-217-000]

CRSS Hopewell Cogenerators; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

January 15, 1987.

On January 5, 1987, CRSS Hopewell Cogenerators (Applicant), of 1177 West Loop South, Suite 900, Houston, Texas 77027, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located at 1111 Hercules Road, Hopewell, Virginia 23860. The facility will consist of a combustion turbine generator, a heat recovery steam generator, and an extraction/condensing turbine generator. Thermal energy recovered from the facility will be used in manufacturing operations and space heating by Hercules, Incorporated. The primary energy source will be natural gas. The net electric power production capacity of the facility will be 130 MW. Installation of the facility is scheduled to begin in September 1987.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-1940 Filed 1-30-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF87-223-000]

E.I. du Pont de Nemours & Co. (Sabine River Works); Application for Commission Certification of Qualifying Status of a Cogeneration Facility

January 23, 1987.

On January 13, 1987, E.I. du Pont de Nemours & Company (Applicant), of 1007 Market Street, Wilmington, Delaware 19898, submitted for filing an application for certification of a facility as qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility is located at the Applicant's Sabine River Works Plant in Orange, Texas. The facility consists of a natural gas-fired steam generator and three back pressure steam turbine generators. The steam recovered from the facility will be used for process heating at Du Pont's Sabine River Works. The electric power production capacity of the facility will be approximately 15.625 MW. The primary source of energy is natural gas. The installation of the facility commenced in 1945.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-1941 Filed 1-30-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF87-218-000]

Howell Energy Associates a New Jersey Limited Partnership; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

January 23, 1987.

On January 7, 1987, Howell Energy Associates, a New Jersey Limited Partnership (Applicant), of 87 Elm Street, Cohasset, Massachusetts 02025, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration will be located in Howell, New Jersey. The facility will consist of one (1) combustion turbine generator, one heat recovery steam generator and one extraction/condensing turbine generator. Thermal energy recovered from the facility will be utilized by Arnold Steel Co., Inc. in heat exchangers to provide the heating and cooling of the facility and also for treating and cleaning fabricated steel. The net electric power production capacity will be 140 megawatts. The primary energy source will be synthetic gas and natural gas, with oil used when natural gas is not available. Construction of the facility will begin on July 1, 1988.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-1942 Filed 1-30-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF87-186-000]

Texaco Producing Inc.; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

January 20, 1987.

On December 29, 1986, Texaco Producing Inc. (Applicant), of P.O. Box 10269, Bakersfield, California 93389, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located in the San Ardo Field, Monterey County, California. The facility will be comprised of two combustion turbine generating units and a heat recovery steam generator (HRSG). Steam produced by the facility will be used for enhanced oil recovery. The primary energy source for the facility will be natural gas. The maximum electric power production capacity of the facility will be 49 megawatts. The facility is scheduled for start-up on July 1, 1988.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-1943 Filed 1-30-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP87-157-000]

Iowa Public Service Co.; Notice of Filing

January 21, 1987.

Take notice that on November 4, 1986, Iowa Public Service Company (Public Service), P.O. Box 778, Sioux City, Iowa 51102, filed a request for a waiver of the requirement to file its Annual Report of Natural Gas Companies (Form No. 2) all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Public Service states that it owns and operates an interstate pipeline which extends from Sioux City, Iowa, across the South Dakota border and serves the bordering communities of North Sioux City, South Dakota and McCook Lake, South Dakota. All gas transported is for the benefit of residential and commercial users and is not for resale for ultimate public consumption according to Public Service. The company also states that total sales by gas volume for 1985 constituted only 120,596 Mcf, which represented only about 3/10th of one percent of Public Service's total natural gas sales. It is for these reasons that Public Service believes it qualifies as a local distributor of natural gas and therefore requests waiver of the filing requirements.

Any person desiring to be heard or to make any protest with reference to said filing should on or before February 4, 1987, file with the Commission, 825 N. Capitol St., NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 385.211, 385.214. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-1944 Filed 1-30-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP87-158-000]

Panhandle Eastern Pipe Line Co.; Request Under Blanket Authorization

January 22, 1987.

Take notice that on January 9, 1987, Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77251, filed in Docket No. CP87-158-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for authority to abandon metering facilities and the transportation of natural gas through the facilities under the certificate issued in Docket No. CP83-83-000 pursuant to section 7(c) of the Natural Gas Act, all as more fully set forth in the request on

file with the Commission and open to public inspection.

Panhandle proposes to abandon and reclaim four irrigation meters located in Texas County, Oklahoma, Hansford County, Texas and Grant County, Kansas. Panhandle states the four meters were installed at the request of right of way grantors to provide irrigation gas service. The meters and related transportation services were certificated in Docket No. CP81–489–000, it is explained. It is further explained that each owner has submitted a written request to have service terminated and the facilities removed. Panhandle states that the total estimated cost of reclaiming these meters is $2,860.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87–1945 Filed 1–30–87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP81-38-011 et al.]

Tennessee Gas Pipeline Co.et al.; Filing of Pipeline Refund Reports

January 22, 1987.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports. The date of filing and docket number are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports. All such comments should be filed with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, on or before February 4, 1987. Copies of the respective filings are on file with the Commission and available for public inspection.

Kenneth F. Plumb.

Secretary.

Appendix

Filing date	Company	Docket No.
11-19-86	Tennessee Gas Pipeline Co.	RP81-38-011
11-26-86	Texas Eastern Transmission Corp.	RP84-108-008
12-16-86	Tennessee Gas Pipeline Co.	RP82-125-003
12-16-86	East Tennessee Natural Gas Co.	RP71-15-023
12-19-86	Lawrenceburg Gas Transmission Corp.	RP87-37-018
12-23-86	Transcontinental Gas Pipe Line Corp.	RP77-108-009
12-24-86	Tennessee Gas Pipeline Co.	RP85-94-004
12-29-86	Caprock Pipeline Co.	RP85-109-001
12-29-86	West Texas Gathering Co.	DP85-108-003
12-31-86	Midwestern Gas Transmission Co.	CP82-397-004
12-31-86	Natural Gas Pipeline Company of America.	RP80-11-020
1- 5-87	Williston Basin Interstate Pipeline Co.	RP85-97-004
1- 5-87	Texas Eastern Transmission Corp.	RP85-85-005
1- 7-87	Mid-Louisiana Gas Company.	RP85-82-004
1- 7-87	Valley Gas Transmission, Inc.	RP85-104-003
1- 7-87	Southern Natural Gas Co.	RP85-153-005
1- 8-87	Sea Robin Pipeline Co[1].	RP85-89-004
1- 8-87	United Gas Pipe Line Co[1].	RP85-90-005
1- 8-87	Mississippi River Transmission Corp.	RP85-80-003
1- 8-87	ANR Pipeline Co.	RP85-88-003
1- 9-87	K N Energy, Inc[1].	RP85-98-003
1-13-87	Consolidated Gas Transmission Corp.	RP85-87-004

[1] Requests for Extensions of Time to file reports.

[FR Doc. 87–1946 Filed 1–30–87; 8:45 am]

BILLING CODE 6717-01

[Docket No. CP86-124-001]

Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Southern Natural Gas Co.; Petition to Amend

January 20, 1987.

Take notice that on January 13, 1987, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, and Southern Natural Gas Company (Southern), P.O. Box 2563, Birmingham, Alabama 35202–2563, (Petitioners) filed in Docket No. CP86–124–001 a joint petition to amend their joint application filed in Docket No. CP86–124–000 pursuant to section 7(c) of the Natural Gas Act by requesting separate consideration of the proposed transportation and exchange services, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioners explain that in Docket No. CP86–124–000, Tennessee and Southern request Commission authorization to exchange and transport certain quantities of natural gas on a best efforts basis, pursuant to the terms of a gas transportation and exchange agreement dated January 21, 1985 (Agreement). Pursuant to the Agreement Southern agrees to receive an aggregate of up to 6 billion Btu equivalent of natural gas per day made available by or for the account of Tennessee at an existing point of interconnection between Southern and Tennessee located in Main Pass Block 298, offshore Louisiana, it is stated. It is further stated that Tennessee agrees to receive up to 6 billion Btu equivalent of natural gas per day made available by Southern at (1) an existing point of interconnection between the pipeline facilities jointly owned by Southern and others and Tennessee's pipeline facilities located in Cameron Parish, Louisiana (Block 34 Exchange Point), or (2) an existing point of interconnection between the pipeline facilities jointly owned by Southern and

others and Tennessee's pipeline facilities located in East Cameron Block 97, offshore Louisiana (Block 104 Exchange Point). In addition, and pursuant to the Agreement, Petitioners state that they agree to transport such quantities of natural gas (not to exceed 6 billion Btu equivalent), which may be greater than the quantity of gas available to one of the parties to this exchange arrangement. In such case, Petitioners agree to transport such gas, it is stated. Southern would accept Tennessee's gas for transportation and would redeliver or cause to be redelivered such quantity to or for the account of Tennessee to the existing point of interconnection between Southern's pipeline facilities at or near the outlet of Placid Oil Company's Patterson Gasoline Plant in Section 48, Township 15 South, 11 East, St. Mary's Parish, Louisiana (Mutual Redelivery Point), Petitioners explain. Tennessee would accept Southern's gas for transportation and would redeliver such gas to the Mutual Redelivery Point, it is stated.

Petitioners now request that the Commission phase its decision in this docket and first authorize the best-efforts exchange service proposed by Tennessee and Southern and then authorize the related best-efforts transportation services. Petitioners also request that the Commission promptly issue the certificate authorizing the exchange service proposed in this proceeding. Petitioners state that the exchange service is currently being performed pursuant to Tennessee and Southern's Order No. 60 blanket certificate as reported by Tennessee in Docket No. ST85–618–000 and by Southern in Docket No. ST85–803–000, and that this authorization would terminate on February 18, 1987. Petitioners allege that unless the certificate authorization requested by Tennessee and Southern in issued before that date, all production from the affected sources would be shut-in resulting in loss of natural gas as well as oil production and the possibility of damage to the reservoir.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before February 3, 1987, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87–1947 Filed 1–30–87; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP87–150–000]

United Gas Pipe Line Co.; Application

January 20, 1987.

Take notice that on January 6, 1987, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77251–1478, filed in Docket No. CP87–150–000 an application pursuant to section 7 (c) of the Natural Gas Act authorizing the transportation on an interruptible basis of up to 5,000 Mcf of natural gas per day for Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. (Tennessee), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that pursuant to a gas transportation agreement dated september 19, 1986, Applicant proposes to transport up to 5,000 Mcf of natural gas per day for Tennessee, receiving such volumes at two points on its' pipeline located in Lafourche Parish, Louisiana. Applicant avers that it would transport and redeliver a substantially equivalent volume of natural gas to Tennessee at the existing points of interconnection between the facilities of Applicant and Tennessee, near West Monroe, Ouachita Parish, Louisiana, Wharton County, Texas, and the tailgate of the Champlin Petroleum Company's East Texas Processing Plant, Panola County, Texas. It is stated that Tennessee would purchase the subject gas for its general system supply from Stone Oil Company and Louisiana Land and Exploration Company.

Applicant proposes to intially charge Tennessee a rate of 40.34 cents for each Mcf redelivered to Tennessee, which excludes the Gas Research Institute surcharge. It is stated that the gas transportation agreement is effective for the period beginning on the date deliveries of gas commence and ending June 30, 1991. It is stated that either party may terminate the agreement at the conclusion of the primary term.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 10, 1987, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87–1948 Filed 1–30–87; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[OPPE–FRL–3149–6]

Establishment and Open Meeting of the Asbestos Hazard Emergency Response Act Negotiated Rulemaking Advisory Committee

As required by section 9(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), we are giving notice of the establishment of an Advisory Committee to negotiate proposed regulations implementing the Asbestos Hazard Emergency Response Act (AHERA) of 1986. We have determined

that this is in the public interest and will assist the Agency in performing its duties prescribed in AHERA. Copies of the Committee charter will be filed with appropriate committees of Congress and the Library of Congress.

The Committee's initial meeting will be held on February 5–6, 1987, in the Hall of States Room at the Skyline Inn, I and South Capitol Streets SW., Washington, DC. The meeting will start at 9:00 a.m., each day and will run until completion.

Potential parties met for a January 23, 1987 Organizational Meeting and selected February 5–6 as the meeting dates, in light of the Congressional deadline for a proposed rule by April 20, 1987. For this reason, the notice of this two-day meeting is being given less than 15 days prior to the meeting itself. The Agency is issuing this notice promptly now that the neeting dates are confirmed. The Agency will inform all parties who have indicated an interest in this negotiation of the meeting dates.

The purpose of the first meeting is to complete any outstanding procedural matters, to identify the substantive issues, to determine how best to address the substantive issues, and to begin to address them.

If interested in attending or receiving more information, please contact kathy Tyson at (202) 382–5479.

Dated: January 28, 1987.

John M. Campbell, Jr.,

Acting Assistant Administrator for Policy, Planning, and Evaluation.

[FR Doc. 87–2075 Filed 1–30–87; 8:45 am]

BILLING CODE 6560–50–M

EXPORT-IMPORT BANK OF THE UNITED STATES

[Public Notice 6]

Agency Forms Submitted for OMB Review

AGENCY: Export-Import Bank of the United States.

ACTION: In accordance with the provisions of the Paperwork Act of 1980, Eximbank has submitted a proposed collection of information in the form of a survey to the Office of Management and Budget for Review.

Purpose

The proposed Annual Competitiveness Report Survey of Exporters and Bankers as authorized by 12 U.S.C. 635(b), Export-Import Bank of the U.S. Act of 1945, as amended, is to be completed by U.S. banks and exporters familiar with Eximbank's programs as a means of evaluating the private sector's view on the extent to which Eximbank has provided export credit programs competitive with the export credit programs offered by the major foreign OECD governments.

The collection of the information will enable Eximbank to access and report to the U.S. Congress the private sector's view of its programs' competitiveness, as required by law.

Summary

The following summarizes the information collection proposal submitted to OMB:

(1) Type of request: Revision.

(2) Number of forms submitted: One.

(3) Form number: EIB No. 85–3 (Rev. 1/87).

(4) Title of information collection: Annual Competitiveness Report Survey to Exporters and Bankers.

(5) Frequency of use: Annual.

(6) Respondents: Commercial banks and exporters in the United States.

(7) Estimated total number of responses: 80.

(8) Estimated total number of hours needed to fill out the form: 60.

Additional Information or Comments

Copies of the proposed survey may be obtained from Helene Wall, Agency Clearance Officer (202) 566–8111. Comments and questions should be directed to Francine Picoult, Office of Management and Budget, Information and Regulatory Affairs, Room 3235, Washington, DC 20503, (202) 395–7340. All comments should be submitted within two weeks of the date of this notice; if you intend to submit comments but are unable to meet this deadline, please advise Francine Picoult by telephone that comments will be submitted late.

Dated: January 12, 1987.

Helene H. Wall,

Agency Clearance Officer.

[FR Doc. 87–2001 Filed 1–30–87; 8:45 am]

BILLING CODE 6690–01–M

Solicitation of Proposals by Financial Advisors on Loan Portfolio

AGENCY: The Export-Import Bank of the United States.

ACTION: Solicitation of proposals by financial advisors.

Purpose

The Export-Import Bank of the United States (Eximbank) has announced that it is soliciting proposals by prospective financial advisors to advise on and assist in the preparation and sale of a portion of Eximbank's loan portfolio. The contract period would cover fiscal year 1987 with a possible extension for fiscal year 1988. Eximbank will award the contract to the responsible offeror whose offer conforms to the solicitation and is most advantageous to Eximbank, cost or price, technical quality and other factors considered. All interested parties are invited to request solicitation documents in writing. Solicitation documents will become available on or about February 9, 1987. When requesting such documents, the interested party should indicate whether the firm is a large or small business. The closing date for receipt of proposals is March 11, 1987.

FOR FURTHER INFORMATION CONTACT:

Barbara H. Hardin, Contract Specialist, Telephone (202) 566–8952

or

Helene H. Wall, Contracting Officer, Telephone (202) 566–8111

SUPPLEMENTARY INFORMATION: Under section 2002 of the Omnibus Budget Reconciliation Act of 1986 (Pub. L. 99–509), Eximbank is required to raise $1.5 billion prior to September 30, 1987 through the sale of loans in the agency's portfolio.

Dated: January 28, 1987.

Helene H. Wall,

Agency Clearance Officer.

[FR Doc. 87–1976 Filed 1–30–87; 8:45 am]

BILLING CODE 6690–01–M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice that the following agreement(s) has been filed with the Commission pursuant to section 15 of the Shipping Act, 1916, and section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street NW., Room 10325. Interested parties may submit protests or comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments and protests are found in § 560.7 and/or § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Any person filing a comment or protest with the Commission shall, at the same time, deliver a copy of that document to the person filing the agreement at the address shown below.

Agreement No.: 224–011049.
Title: Tampa Terminal Agreement.
Parties:
Tampa Port Authority (Port)
Seagull Terminal & Stevedoring Co. (Seagull).

Synopsis: The proposed agreement would permit the Port to lease dockside open storage space and office space in a warehouse to Seagull for a period of one year.

Filing Party: H.E. Welch, Director of Traffic, Tampa Port Authority, Post Office Box 2192, Tampa, Florida 33601.

Dated: January 28, 1987.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 87–1978 Filed 1–30–87; 8:45 am]

BILLING CODE 6730–01–M

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No: 244–003914–002.
Title: Oakland Terminal Agreement.
Parties:
City of Oakland
Sea-Land Service, Inc.

Synopsis: The proposed amendment would delete the portion of the leased premises known as "Parcel B" from the provisions of the agreement.

Agreement No: 202–010252–005.
Title: New Zealand-Pacific Coast Rate Agreement.
Parties:
Blue Star Line, Ltd.
Columbus Line

Synopsis: The proposed amendment would modify the independent action provisions of the agreement to comply with the Commission's regulations.

Agreement No.: 202–010656–018.
Title: North Europe-U.S. Gulf Freight Association.
Parties:
Compagnie Generale Maritime (CGM)
Lykes Bros. Steamship Company, Inc.
Gulf Container Line (GCL), B.V.
Sea-Land Service, Inc.
Hapag-Lloyd AG
Trans Freight Lines
Nedlloyd Lijnen, B.V.

Synopsis: The proposed amendment would delete agreement provisions pertaining to the operation of Seabee/Lash barge service by agreement parties.

Agreement No.: 202–010676–025.
Title: South Europe/U.S.A. Freight Conference.
Parties:
Achille Lauro
C.I.A. Venezolana de Navegacion
Compania Trasatlanticia Espanola, S.A.
Costa Line (Costa Container Lines, S.p.A.)
Evergreen Marine Corporation (Taiwan) Ltd.
Farrell Lines, Inc.
"Italia" di Navigazione, S.p.A.
Jugolinija (Jugoslavenska Linijska Plovidba)
Jugooceanija (Jugoslavenska Oceanska Plovida)
Lykes Lines (Lykes Bros. Steamship Co., Ltd.)
A.P. Moller-Maersk Line
Nedlloyd Lines (Nedlloyd Lijnen B.V.)
Sea-Land Service, Inc.
Trans Freight Lines
Zim Israel Navigation Company, Ltd.

Synopsis: The proposed amendment would republish the agreement and make a number of administrative changes which include changing the name of the agreement as designated above, amending voting procedures and policing authority and revising independent action provisions regarding brokerage and freight forwarder compensation.

Agreement No.: 224–010990–001.
Title: Charleston Terminal Agreement.
Parties:
South Carolina State Ports Authority (Port)
Farrell Lines Incorporated (Farrell)

Synopsis: The proposed amendment would give Farrell exclusive use of 396 container parking slots at the Port's Wando Terminal for a period of three years. The parties have requested a shortened review period.

Agreement No.: 224–011055.
Title: New London Terminal Agreement.
Parties:
State of Connecticut Department of Transportation (State)
New Haven Terminal, Inc. (NHT)

Synopsis: The proposed agreement would permit NHT to manage and operate a terminal and warehouse facility owned by the State in New London, Connecticut. The agreement would remain in effect through June 30, 1991.

Agreement No.: 224–011056, 224–011056–001, 224–011056–002, and 224–011056–003.
Title: Baton Rouge Terminal Agreement.
Parties:
Greater Baton Rouge Port Commission (Port)
Ryan-Walsh Stevedoring Co., Inc. (Ryan-Walsh)

Synopsis: The proposed agreement, as amended, allows the Port to give Ryan-Walsh preferential use of mid-stream vessel and barge mooring facilities for use in conjunction with Ryan-Walsh's operations at the Port of Baton Rouge.

Dated: January 28, 1987.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 87–1979 Filed 1–30–87; 8:45 am]

BILLING CODE 6730–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

National Advisory Council on Drug Abuse, etc.; Meetings

AGENCY: Alcohol, Drug Abuse, and Mental Health Administration, HHS.
ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of the forthcoming meetings of the agency's initial review committees and national advisory bodies. These committees will be open for discussion of administrative announcements and program developments. The committees will be performing initial review of applications for Federal assistance. Therefore, portions of the meetings will be closed to the public as determined by the Administrator, ADAMHA, in accordance with 5 U.S.C. 552(b)(6) and 5 U.S.C. app. 2 10(d). Notice of these

meetings is required under the Federal Advisory Committee Act, Pub. L. 92–463.

Committee Name: National Advisory Council on Drug Abuse, NIDA.

Date and Time: February 3–4: 9:00 a.m.

Place: National Institutes of Health, 9000 Rockville Pike, Building 31C, Conference Room 8, Bethesda, Maryland 20892.

Status of meetings: Open—February 3: 9:00–12 Noon; February 4: 9:00 a.m.–5:00 p.m., Closed—Otherwise.

Contact: Sheila Gardner, Room 10A–03, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–6460

Purpose: The Council advises and makes recommendations to the Secretary, Department of Health and Human Services, the Administration, Alcohol, Drug Abuse, and Mental Health Administration, and the Director, National Institute on Drug Abuse, on the development of new initiatives and priorities and the efficient administration of drug abuse research, including prevention and treatment research, and research training. The Council also gives advice on policies and priorities for drug abuse grants and contracts, and reviews and makes final recommendations on grant applications.

Committee Name: Psychosocial and Biobehavioral Treatments Subcommittee of the Treatment Development and Assessment Research Review Committee, NIMH.

Date and Time: February 5–6: 9:00 a.m.

Place: Sheraton Washington Hotel, 2660 Woodley Road at Connecticut Avenue, NW., Washington, DC 2008.

Status of Meeting: Open—February 5: 9:00–10:00 a.m.; Closed—Otherwise.

Contact: Maureen Eister, Room 9C–02, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–4868.

Purpose: The subcommittee is charged with the initial review of applications for assistance from the National Institute of Mental Health for support or research and/or research training activities in the fields of treatment development and assessment and makes recommendations to the National Advisory Mental Health Council for final review.

Committee Name: National Advisory Mental Health Council, NIMH.

Date and Time: February 9–11: 9:00 a.m.

Place: February 9, National Institutes of Health, Building #31, Conference Room 6, 9000 Rockville Pike, Bethesda, Maryland 20892 February 10–11, Parklawn Building, Conference Rooms G and H, 5600 Fishers Lane, Rockville, Maryland 20857.

Status of Meeting: Open—February 9: 9:00 a.m.–5:00 p.m.; Closed—Otherwise.

Contact: Rachel Driver, Parklawn Building, Room 9–105, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–3367.

Purpose: The Council advises the Secretary of Health and Human Services, the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, and the Director, National Institute of Mental Health, regarding policies and programs of the Department in the field of mental health and makes recommendations to the Secretary with respect to approval of applications for, and amount of, these grants.

Committee Name: Psychopharmacological, Biological, and Physical Treatments Subcommittee of the Treatment Development and Assessment Research Review Committee, NIMH.

Date and Time: February 12–13: 9:00 a.m.

Place: Washington Marriott, 1221 22nd Street, NW., Washington, DC 20037

Status of Meeting: Open—February 12: 9:00–10:00 a.m.; Closed—Otherwise.

Contact: Pamela Mitchell, Room 9C–14, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–1367.

Purpose: The subcommittee is charged with the initial review of applications for assistance from the National Institute of Mental Health for support of research and research training activities in the fields of treatment development and assessment with recommendations to the National Advisory Mental Health Council for final review.

Committee Name: Cognition, Emotion, and Personality Research Review Committee, NIMH.

Date and Time: February 12–14: 9:00 a.m.

Place: The Capitol Hill Hotel, 200 C Street SE., Washington, DC 20003.

Status of Meeting: Open—February 13: 9:00–10:00 a.m.; Closed—Otherwise.

Contact: Naomi Lichtenberg, Room 9C26, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–3944.

Purpose: The committee is charged with the initial review of applications for assistance from the National Institute of Mental Health for support of research and research training activities relating to the fields of personality, cognition, emotion, and higher mental processes with recommendations to the National Advisory Mental Health Council for final review.

Committee Name: Child and Family and Prevention Subcommittee of the Life Course and Prevention Research Review Committee, NIMH.

Date and Time: February 12–14: 9:00 a.m.

Place: The River Inn, 924 24th Street, NW., Washington, DC 20037.

Status of Meeting: Open—February 12: 9:00–10:00 a.m.; Closed—Otherwise.

Contact: Dorothy Tengood, Room 9C18, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–3857.

Purpose: The committee is charged with the initial review of applications for assistance from the National Institute of Mental Health for support of research and research training activities relating to basic psychopharmacology and neuropsychology with recommendations to the National Advisory Council for final review.

Committee Name: Neurosciences Research Review Committee, NIMH.

Date and Time: February 12–14: 8:30 a.m.

Place: Holiday Inn, 8120 Wisconsin Avenue, Bethesda, Maryland 20814.

Status of Meeting: Open—February 12; Close—Otherwise.

Contact: Eva Stone, Room 9C26, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443–3944.

Purpose: The committee is charged with the initial review of applications for assistance from the National Institute of Mental Health for support of research and research training activities relating to basic psychopharmacology and neuropsychology with recommendations to the National Advisory Mental Health Council for final review.

Committee Name: Biochemistry Subcommittee of the Drug Abuse Biomedical Research Review Committee, NIDA.

Date and Time: February 17–20: 9:00 a.m.

Place: Crowne Plaza Holiday Inn, Halpine Conference Room, 1750 Rockville Pike, Rockville, Maryland 20852, (301) 443–2620.

Status of Meeting: Open—February 17: 9:00–9:30 a.m.; Closed—Otherwise.

Contact: Yuth Nimit, Room 10–42, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–2620.

Purpose: The Subcommittee is charged with the intial review of applications for assistance from the National Institute of Drug Abuse for support of research and research training activities, and makes recommendations to the National Advisory Council of Drug Abuse for final review.

Committee Name: Pharmacology Subcommittee of the Drug Abuse Biomedical Research Review Committee, NIDA.

Date and Time: February 17: 9:00 a.m.

Place: Crowne Plaza Holiday Inn, Woodmont Conference Room, 1750 Rockville Pike, Rockville, Maryland 20852.

Status of Meeting: Open—February 17: 9:00–9:30 a.m.; Closed—Otherwise

Contact: Heinz Sorer, Room 10–42, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–2620.

Purpose: The subcommittee is charged with the initial review of applications for assistance from the National Institute on Drug Abuse for support of research and research training activities, and makes recommendations to the National Advisory Council on Drug Abuse for final review.

Committee Name: Drug Abuse Clinical and Behavioral Research Review Committee, NIDA.

Date and Time: February 17–20: 9:00 a.m.

Place: Crowne Plaza Holiday Inn, 1750 Rockville Pike, Rockville, Maryland 20852

Status of Meeting: Open—February 17: 9:00–9:30 a.m.; Closed—Otherwise.

Contact: Daniel Mintz, Room 10–42, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–2620

Purpose: The committee is charged with the initial review of applications for assistance from the National Institute on Drug Abuse for support of research and research training activities and makes recommendations to the National Advisory Council on Drug Abuse for final review.

Committee Name: Epidemiology and Prevention Subcommittee of the Drug Abuse Epidemiology, Prevention, and Services Research Review Committee, NIDA.

Date and Time: February 17–18: 9:00 a.m.

Place: Crowne Plaza Holiday Inn, Rockville Room, 1750 Rockville Pike, Rockville, Maryland 20852.

Status of Meeting: Open—February 17: 9:00–10:00 a.m.; Closed—Otherwise.

Contact: Ron Gold, Room 10–42, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–2620.

Purpose: The committee is charged with the initial review of applications for assistance from the National Institute on Drug Abuse for

support of research and research training activities and makes recommendations to the National Advisory Council on Drug Abuse for final review.

Committee Name: Biochemistry, Physiology, and Medicine Subcommittee of the Alcohol Biomedical Research Review Committee, NIAAA.

Date and Time: February 17–19: 9:00 a.m.

Place: Bethesda Holiday Inn, 8120 Wisconsin Avenue, Bethesda, Maryland 20814.

Status of Meeting: Open—February 17: 9:00–11:00 a.m.; Closed—Otherwise.

Contract: Ronald Suddendorf, Room 16C26 Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–6106

Purpose: The subcommittee is charged with the initial review of applications for assistance from the National Institute on Alcohol Abuse and Alcoholism for support of research and training activities and makes recommendations to the National Advisory Council on Alcohol Abuse and Alcoholism for final review.

Committee Name: Behavioral Sciences Subcommittee of the Mental Health Research Education Review Committee, NIMH.

Date and Time: February 18–20: 9:00 a.m.

Place: Omni Shoreham Hotel, 2500 Calvert Street NW., Washington, DC 20008.

Status of Meeting: Open—February 18: 9:00–10:00 a.m.; Closed—Otherwise.

Contact: Jean Byrne, Room 9C18, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–3857

Purpose: The committee is charged with the initial review of applications for assistance from the National Institute of Mental Health for support of research training activities in the areas of biological sciences, the psychological sciences, and the applied behavioral sciences related to mental health, with recommendations to the National Advisory Mental Health Council for final review.

Committee Name: Clinical Program Projects/Clinical Research Centers Subcommittee of the Treatment Development and Assessment Research Review Committee, NIMH.

Date and Time: February 19: 9:00 a.m.

Place: J.W. Marriott, 1331 Pennsylvania Avenue, NW., Washington, DC 20004.

Status of Meeting: Open—February 19: 9:00–10:00 a.m.; Closed—Otherwise.

Contact: Pamela Mitchell, Room 9C14, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–1367.

Purpose: The subcommittee is charged with the initial review of applications for assistance from the National Institute of Mental Health for support of Mental Health Clinical Research Centers, clinical program projects, and other large-scale multidisciplinary research projects, and makes recommendations to the National Advisory Mental Health Council for final review.

Committee Name: Clinical and Treatment Subcommittee of the Alcohol Psychosocial Research Review Committee, NIAAA.

Date and Time: February 23–25: 9:00 a.m.

Place: Crowne Plaza Holiday Inn, 1750 Rockville Pike, Rockville, Maryland 20852.

Status of Meeting: Open—February 23: 9:00–9:30 a.m.; Closed—Otherwise.

Contact: Laura Weinstein, Room 16C26, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–6106.

Purpose: The committee is charged with the initial review of applications for assistance from the National Institute on Alcohol Abuse and Alcoholism for support of research and training activities and makes recommendations to the National Advisory Council on Alcohol Abuse and Alcoholism for final review.

Committee Name: Research Scientist Development Review Committee, NIMH.

Date and Time: February 24–26: 9:00 a.m.

Place: Chevy Chase Holiday Inn, 5520 Wisconsin Avenue, Chevy Chase, Maryland 20815.

Status of Meeting: Open—February 24: 9:00–10:00 a.m.; Closed—Otherwise.

Contact: Linda Rainey, Room 9C05, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–6470.

Purpose: The committee is charged with the initial review of applications for assistance from the National Institute of Mental Health for support of activities to develop and execute a program of Research Scientist and Research Scientist Development Awards to appropriate institutions for the support of individuals who are engaged full time in research and related activities relevant to mental health, with recommendations to the National Advisory Mental Health Council for final review.

Committee Name: Services Subcommittee of the Epidemiologic and Services Research Review Committee, NIMH.

Date and Time: February 24–26: 9:00 a.m.

Place: Bay Harbor Inn, 7700 Courtney Campbell Causeway, Tampa, Florida 33607

Status of Meeting: Open—February 24–26: 9:00 a.m.; Closed—Otherwise.

Contact: Gloria Yockelson Room 9C14, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–1367.

Purpose: The committee is charged with the initial review of applications for assistance from the National Institute of Mental Health for support of research and research training activities as they relate to mental health epidemiology, mental health service systems research, and evaluation of clinical mental health services, with recommendations to the National Advisory Mental Health Council for final review.

Committee Name: Neuroscience and Behavior Subcommittee of the Alcohol biomedical Research Review Committee, NIAAA.

Date and Time: February 25–27: 9:00 a.m.

Place: Bethesda Holiday Inn, 8120 Wisconsin Avenue, Bethesda, Maryland 20814.

Status of Meeting: Open—February 25: 9:00–11:00 a.m.; Closed—Otherwise.

Contact: Samar Zakhari, Room 16C26, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–6106.

Purpose: The subcommittee is charged with the initial review of applications for assistance from the National Institute on Alcohol Abuse and Alcoholism for support of research and training activities and makes recommendations to the National Advisory Council on Alcohol Abuse and Alcoholism for final review.

Committee Name: Criminal and Violent Behavior Research Review Committee, NIMH.

Date and Time: February 25–27: 9:15 a.m.

Place: Omni Shoreham Hotel, 2500 Calvert Street, NW., Washington, DC 20008.

Status of Meeting: Open—February 25: 9:15–10:30 a.m.; Closed—Otherwise.

Contact: Peg Lyons, Room 9C18, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–3857.

Purpose: The committee is charged with the initial review of applications for assistance from the National Institute of Mental Health for support of research grants, individual postdoctoral research fellowships and institutional research training grants, cooperative agreements, and research and development contracts, as they relate to the mental health aspects of criminal, delinquent, and antisocial behavior; individual violent behavior; sexual assault; and law-mental health interactions related to these areas, with recommendations to the National Advisory Mental Health Council for final review.

Committee Name: Prevention and Epidemiology Subcommittee of the Alcohol Psychosocial Research Review Committee, NIAAA.

Date and Time: February 25–27: 9:00 a.m.

Place: Crowne Plaza Holiday Inn, 1750 Rockville Pike, Rockville, Maryland 20857.

Status of Meeting: Open—February 25: 9:00–10:30 a.m.; Closed—Otherwise.

Contact: Mary Ganikos, Room 16C26, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–6106.

Purpose: The committee is charged with the initial review of applications for assistance from the National Institute on Alcohol Abuse and Alcoholism for support of research and training activities and makes recommendations to the National Advisory Council on Alcohol Abuse and Alcoholism for final review.

Committee Name: Psychopathology and Clinical Biology Research Review Committee, NIMH.

Date and Time: February 25–27: 9:00 a.m.

Place: The Canterbury Hotel, 1733 N Street NW., Washington, DC 20036.

Status of Meeting: Open—February 25: 9:00–10:00 a.m.; Closed—Otherwise.

Contact: Emilie Embrey, Room 9C08, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–1340.

Purpose: The committee is charge with the initial review of applications for assistance from the National Institute of Mental Health for support of activities in the fields of research and research training activities in the areas of clinical psychopathology and clinical biology as they relate to mental health, with recommendations to the National Advisory Mental Health Council for final review.

Committee Name: Basic Behavioral Processes Research Review Committee.

Date and Time: February 26–27: 9:00 a.m.

Place: Holiday Inn, Georgetown, 2101 Wisconsin Avenue NW., Washington, DC 20007

Status of Meeting: Open—February 26: 9:00–10:00 a.m.; Closed—Otherwise.

Contact: Shirley Maltz, Room 9C26, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–3936

Purpose: The committee is charged with the initial review of applications for assistance from the National Institute of Mental Health for support of research and training activities related to experiments and physiological psychology and comparative behavior, with recommendations to the National Advisory Mental Council for final review.

Committee Name: Aging Subcommittee of the Life Course and Prevention Research Review Committee, NIMH

Date and Time: February 26–27: 9:00 a.m.

Place: Sheraton Washington Hotel, 2660 Woodley Road, NW., Washington, DC 20008

Status of Meeting: Open—February 26: 9:00–9:30 a.m.; Closed—Otherwise.

Contact: Jean Byrne, Room 9C18, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–3857

Purpose: The subcommittee is charged with the initial review of applications for assistance from the National Institute of Mental Health for support of research grants, individual postdoctoral research fellowships and institutional research training grants, cooperative agreements, and research and development contracts, as they relate to mental health, in the fields of child, family, and aging, with recommendations to the National Advisory Mental Council for final review.

Committee Name: Mental Health Behavioral Sciences Research Review Committee.

Date and Time: February 26–28: 9:00 a.m.

Place: Bethesda Holiday Inn, 8120 Wisconsin Avenue, Bethesda, Maryland 20814

Status of Meeting: Open—February 26: 9:00–10:00 a.m.; Closed—Otherwise.

Contact: Naomi Lichtenberg, Room 9C26, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–3936

Purpose: The committee is charged with the initial review of applications for assistance from the National Institution of Mental Health for support of research and/or research training activities relating to behavioral science areas relevant to mental health and makes recommendations to the National Advisory Mental Council for final review.

Substantive information may be obtained from the contract persons listed above. Summaries of the meetings and rosters of committee members may be obtained as follows: NIAAA: Ms. Diana Widner, Committee Management Officer, Room 16C20 Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–4375. NIDA: Ms. Mary Kielkopf, Committee Management Officer, Room 10–22, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–1644. NIMH: Ms. Joanna Kieffer, Committee Management Officer, Room 9–95, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–4333.

This **Federal Register** notice is late due to inclement weather conditions.

Dated: January 21, 1987.

Brenda L. Williamson,

Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 87–1898 Filed 1–30–87; 8:45 am]

BILLING CODE 4160–20–M

Centers for Disease Control

National Institute for Occupational Safety and Health; Grants for Education Programs in Occupational Safety and Health; Availability of Funds for Fiscal Year 1987

The National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control (CDC), announces the availability of funds in Fiscal Year 1987 for training grants in occupational safety and health as authorized by section 21(a)(1) of the Occupational Safety and Halth Act of 1970 (29 U.S.C. 670(a)(1)). Regulations applicable to this program are in Part 86, "Grants for Education Programs in Occupational Safety and Health," of Title 42, Code of Federal Regulations (42 CFR Part 86). The objective of this grant program is to award funds to eligible institutions or agencies to pay part or all of the costs of the combination of long- and short-term training activities in occupational safety and health.

Funds in the amount of approximately $7,472,000 will be available in Fiscal Year 1987. Of that amount $6,612,000 will be awarded to 14 new, renewal, and continuation Educational Resource Center (ERC) training grants ranging from approximately $300,000 to $700,000 with the average award being $500,000; to award approximately 25 new, renewal, or continuation long-term training grants ranging from approximately $10,000 to $150,000 with the average award being $50,000; and to conduct the peer review and evaluations of all new, competing renewal, and supplemental applications received. The President's FY 1988 budget assumes that these activities will be supported progressively from non-federal funding sources beginning in FY 1987. Full funding from non-federal sources is projected for FY 1990. Project periods for applications should be consistent with the President's FY 1988 budget.

In addition $860,000 will be awarded to the Educational Resource Centers (ERC's) to support research training programs. These funds were appropriated to expand the mission of the ERC's to include research and research training. The research training initiative was described in the recent ERC Program Announcement published in the **Federal Register** on September 17, 1986 (51 FR 32963). Program support is available for faculty, staff, student support, and other resources to train teachers and researchers in the various occupational safety and health disciplines. The support for research training programs will range from approximately $50,000 to $150,000 for each ERC with the average award being $80,000. The policies regarding project periods and non-federal funding sources also apply to these activities.

FOR FURTHER INFORMATION CONTACT:

Business

Nancy C. Bridger, Grants Management Specialist, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road NE, Room 321, Atlanta, Georgia 30305. Telephone: (404) 262–6575.

Technical

David Thelen, Training Grant Coordinator, Division of Training and Manpower Development, National Institute for Occupational Safety and Health, CDC, 4676 Columbia Parkway, Cincinnati, Ohio 45226. Telephone: (513) 533–8241.

Applications are not subject to review as governed by Executive Order 12372, Intergovernmental Review of Federal Programs.

(This program is described in the Catalog of Federal Domestic Assistance Program No. 13.263, Occupational Safety and Health Training Grants)

Dated: January 23, 1987.

L.W. Sparks,

Executive Officer, National Institute for Occupational Safety and Health.

[FR Doc. 87–1969 Filed 1–30–87; 8:45 am]

BILLING CODE 4160–19–M

National Institute for Occupational Safety and Health; Long-Term Training Project Grants in Occupational Safety and Health Program Announcement

I. Introduction

This program announcement provides information about the long-term training project grants administered by the National Institute for Occupational Safety and Health, Centers for Disease Control.

II. Authority

Grants for occupational safety and health training are authorized under the Occupational Safety and Health Act of

1970, (29 U.S.C. 670(a)). Program regulations applicable to these grants are contained in Part 86, Subpart B of Title 42, Code of Federal Regulations, Occupational Safety and Health Training Grants.

III. Eligible Applicants

Any public or private educational or training agency or institution located in a State is eligible to apply for a grant.

IV. Objective

These grants are available for the establishment, strengthening, or expansion of graduate, undergraduate, and special training programs in occupational safety and health areas.

The awards are normally for training programs of 1 academic year. They are intended to augment the scope, enrollment, and quality of training programs rather than to replace funds already available for current operations. The types of training currently eligible for support are:

1. Graduate training for practice, teaching, and research careers in occupational safety and health. Priority will be given to programs producing graduates in areas (i.e., disciplines such as occupational health nursing) of greatest occupational safety and health need.

2. Undergraduate and other pre-baccalaureate training providing trainees with capabilities for positions in occupational safety and health professions.

3. Special technical or other programs for training of occupational safety and health technicians or specialists.

4. Special programs for development of occupational safety and health training curricula and educational materials, including mechanisms for effectiveness testing and implementation.

The President's FY 1988 budget assumes that these activities will be supported progressively from non-federal funding sources beginning in FY 1987. Full funding from non-federal sources is projected by FY 1990.

V. Review Procedures

In reviewing applications, consideration will be given to:

1. The need for training in the program area outlined by the application. This should include documentation of ability and a plan for student recruitment, projected enrollment, job opportunities, regional/national needs both in quality and quantity, and similar programs, if any, within the geographic area.

2. The potential contribution of the project toward meeting the needs for graduate or specialized training in occupational safety and health.

3. Curriculum content and design which should include formalized program objectives, minimal course content to achieve certificate or degree, course sequence, related courses open to students, time devoted to lecture, laboratory and field experience, nature and the interrelationship of these educational approaches.

4. Previous records of training in this or related areas, including placement of graduates.

5. Methods proposed to evaluate effectiveness of the training.

6. The degree of institutional commitment: Is grant support necessary for program initiation or continuation? Will support gradually be assumed? Is there related instruction that will go on with or without the grant?

7. Adequacy of facilities (classrooms, laboratories, library services, books, and journal holdings relevant to the program, and access to appropriate occupational settings).

8. The competence, experience, training, time commitment to the program and availability of faculty to advise students; faculty/student ratio; and teaching loads of the program director and teaching faculty in relation to the type and scope of training involved.

9. Admission Requirements: Student selection standards and procedures, student performance standards and student counseling services.

10. Advisory Committee (if established): Membership, industries and labor groups represented; how often they meet; whom they advise, role in designing curriculum and establishing program need.

VI. Trainee Support

The normal tuition and fees of the institution, stipends, and funds for travel which is a part of the training may be requested for trainees. Stipend ceiling levels for full-time predoctoral and postdoctoral trainees are provided in accordance with the Public Health Service Policy Statement. Postdoctoral trainee stipend ceilings are based on the number of years of relevant experience. Years of relevant experience is defined as experience earned *after* a doctoral degree is obtained. No allowance is provided for dependents.

VII. Application Procedures

New, competing renewal, or supplemental applications should be submitted on the Training Grant Application Form PHS 6025–1; PHS 6025–2 should be used for continuation applications. The forms may be obtained from: Centers for Disease Control, Procurement and Grants Office, 255 East Paces Ferry Road, NE., Room 321, Atlanta, GA 30305.

The original and six (6) copies of new, competing renewal, or supplemental applications should be submitted to: Division of Research Grants, National Institutes of Health, Westwood Building, 5333 Westbard Avenue, Bethesda, MD 20816.

These applications should be clearly identified as an application for an Occupational Safety and Health Long-Term Training Project Grant. Submission schedule is as follows:

New/Renewal & Supplemental Receipt Dates

February 1, 1987
June 1, 1987
October 1, 1987

Applications not received by a designated receipt date will be held for review in the next cycle.

An original and two (2) copies of non-competing continuation applications should be submitted to: Centers for Disease Control, Grants Management Branch, Procurement and Grants Office, 255 East Paces Ferry Road, NE., Room 321, Atlanta, GA 30305.

FOR FURTHER INFORMATION CONTACT:

Business

Nancy C. Bridger, Grants Management Specialist, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road, NE., Room 321, Atlanta, GA 30305, Telephone: 404–262–6575.

Technical:

David S. Thelen, Training Grants Coordinator, Division of Training and Manpower Development, National Institute for Occupational Safety and Health, Robert A. Taft Laboratories, 4676 Columbia Parkway, Cincinnati, OH 45226, Telephone: 513–533–8241.

Applications are not subject to review as governed by Executive Order 12372, Intergovernmental Review of Federal Programs.

This program is described in the Catalog of Federal Domestic Assistance Program No. 13.263, Occupational Safety and Health Training Grants.

Dated: January 27, 1987.

L.W. Sparks,

Executive Officer, National Institute for Occupational Safety and Health.

[FR Doc. 87–1970 Filed 1–30–87; 8:45 am]

BILLING CODE 4160–19–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR-020-07-4310-33: GP7-093]

Oregon; Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice: Burns district advisory council meeting.

SUMMARY: Notice is hereby given in accordance with section 309 of the Federal Land Policy and Management Act of 1976, that a meeting of the Burns District Advisory Council will be held on March 6, 1987, at 9:00 Pacific Standard Time in the Circuit Courtroom of the Harney County Courthouse in Burns, Oregon.

The agenda for the meeting will include: (1) An update on the Hammond Land Exchange; (2) The Andrews Land Use Plan Amendment for Land Tenure Adjustments; (3) The Drewsey/Riley Resource Management Plan; (4) Update on the Harney County Emergency Flood Relief Program; (5) Update on the Drewsey Management Framework Plan Amendment; (6) Winter Sports Use on Steens Mountain; (7) Reorganization of BLM in Oregon; (8) Update on the Alvord Allotment Proposed Grazing Increase and; (9) Other Miscellaneous Business.

The meeting is open to the public. Interested persons may make oral statements to the Council at the end of the meeting or file written statements for the Council's consideration. Anyone desiring to make an oral statement must notify the District Manager, Bureau of Land Management, 74 South Alvord, Burns, Oregon 97720, by February 23, 1987. A per-person time limit may be established by the District Manager, depending on the number of persons wanting to address the Council.

Summary minutes of the Council meeting will be available for public inspection and duplication within 30 days following the meeting.

DATE: March 6, 1987 at 9:00 a.m. (Pacific Standard Time).

ADDRESS: The meeting will take place in the Circuit Courtroom of the Harney County Courthouse in Burns, Oregon.

FOR FURTHER INFORMATION CONTACT: Joshua L. Warburton, Burns District Office, 74 South Alvord, Burns, Oregon 97720—Telephone (503) 573–5241.

Dated: January 22, 1987.

Joshua L. Warburton,

Burns District Manager.

[FR Doc. 87–1922 Filed 1–30–87; 8:45 am]

BILLING CODE 4310-33-M

[OR-020-07-4321-10: GP7-033]

Oregon; Wild Horse Gathering Schedule Meeting Notice

AGENCY: Bureau of Land Management, Interior.

ACTION: Burns District Office: Statewide wild horse gathering schedule public meeting.

SUMMARY: In accordance with Pub. L. 92–195, this notice sets forth the public meeting date to discuss the use of helicopters in gathering wild horses and the proposed gathering schedule in Oregon for the remainder of FY 87 and 88.

DATE: March 9, 1987 3:00 P.M. to 4:30 P.M.

ADDRESS: The meeting will take place at the BLM Burns District Office in Burns, Oregon.

FOR FURTHER INFORMATION CONTACT: Joshua L. Warburton, District Manager, Burns District, Bureau of Land Management, 74 South Alvord, Burns, Oregon 97720—Telephone (503) 573–5241.

SUPPLEMENTARY INFORMATION: The use of helicopters to gather wild horses throughout southeastern Oregon in Fiscal Year 1987 and 1988 will be discussed along with other aspects of the program and adoption process. Information cocerning the gathering of the following wild horse herds will be presented at the meeting: Sage Hen Allotment, Gouldin Allotment, Warm Springs, Stinkingwater, South Steens, Riddle Mountain, Kiger, Egli Ridge, Coyote Gap, Hog Creek, Basque, Pot Holes, Jackies Butte, Sand Springs, and Beatty Butte. The total number of horses expected to be gathered will be between 1,250 and 1,565 depending on the availability of funds and the capability of the Burns District to process and adopt out the horses gathered.

This meeting is open to the public. Persons interested in making an oral statement at this meeting are asked to notify the District Manager, Burns District Office, 74 South Alvord, Burns, Oregon 97720 by March 2, 1987. Written statements must be received by this date.

Summary minutes of the meeting will be available for public inspection and duplication within 30 days following the meeting.

Dated: January 15, 1987

Joshua L. Warburton,

District Manager.

[FR Doc. 87–1923 Filed 1–30–87; 8:45 am]

BILLING CODE 4310-33-M

[AZ-050-07-4212-11; A-19132]

Realty Action; Lease or Conveyance of Public Lands in Mohave County, AZ

The following described public lands were a portion of the lands classified and leased in 1974 to Mohave County. The purpose of this action is to patent and convey these lands to the State of Arizona through the Adjutant General under the Recreation and Public Purposes Act as amended (43 U.S.C. 869 et. seq.):

Gila and Salt River Meridian, AZ

T. 13 N., R. 19 W.
Sec. 20, NW¼SE¼, containing 40 acres.

The State of Arizona, through the Adjutant General, has expressed an interest in the above described land for construction of a permanent National Guard Armory.

These lands are not required for Federal purposes. Conveyance of these lands is consistent with the Bureau's planning for this area and would be in the public interest.

The conveyance, when issued, will be subject to the provisions of the Recreation and Public Purposes Act, applicable regulations of the Secretary of the Interior, and will contain the following reservations to the United States:

1. A right-of-way thereon for ditches or canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945).

2. All mineral deposits in the lands so patented, and to it, or persons authorized by it, the right to prospect for, mine and remove such deposits from the same under applicable law and regulations to be established by the Secretary of the Interior.

In the event of noncompliance, title to the land shall revert to the United States.

Publication of this notice in the **Federal Register** segregates these public lands from appropriation under any public land laws, including the general mining laws. The segregative effect will end upon issuance of the patent.

For a period of 45 days from the date of publication of this Notice, interested parties may submit comments to the District Manager, Yuma, Arizona 85364. Any objections will be reviewed by the State Director, who may sustain, vacate, or modify this realty action. In the absence of any objections, this realty action will become the final determination of the Department of the Interior, effective 90 days from the date

of publication in the **Federal Register**. Additional information may be obtained from the Havasu Resource Area, 602–855–8017.

Dated: January 23, 1987.

Ferne M. Blair,

Acting District Manager.

[FR Doc. 87–1924 Filed 1–30–87; 8:45 am]

BILLING CODE 4310-32-M

[OR 32919; OR–080–07–4212–13; GP7–095]

Realty Action Proposed Exchange, Amended; Oregon

January 23, 1987.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action.

This notice amends that notice of realty action published in the **Federal Register** on May 22, 1986 (FR Doc. 86–11494).

In addition to those lands and interest in lands listed in the May 22, 1986, notice, the United States will acquire the following described lands from Willamette Industries, Inc.:

Willamette Meridian, OR

T. 12 S., R. 3 E.,
Sec. 18, N½NE¼;
T. 2 S., R. 5 W.,
Sec. 9, W½NW¼NE¼, NW¼SE¼NE¼, S½SE¼NW¼, NE¼SE¼.

Containing 80.00 acres in Linn County and 90.00 acres in Yamhill County.

Melvin E. Chase,

Acting District Manager.

[FR Doc. 87–1926 Filed 1–30–87; 8:45 am]

BILLING CODE 4310-33-M

[CA–940–07–5410–10–ZBHE; CA–883, et al]

California; Conveyance of Mineral Interest

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action-conveyance of federally reserved mineral interest.

SUMMARY: The private lands described in this notice have been found suitable for conveyance of the reserved mineral interest pursuant to section 209 of the Federal Land Policy and Management Act of October 21, 1976.

The mineral interest will be conveyed in whole or in part upon favorable mineral examination.

Serial No.	Legal description	Acres	County	Mineral reservation
CA-19668	T. 17 S., R. 7 E., MD Mer.: Sec. 15, SE¼; Sec. 22, N½NE¼, S½NW¼, within; W½SW¼, within; SE¼SW¼, SW¼SE¼.	531.75	San Diego	100% all min.
CA-8883	T. 27 S., R. 15 E., MD Mer.: Sec. 27, SE¼; Sec. 34, W½NE¼, E½NW¼	320.0	Kern	100% all min.
CA-17684	T. 4 S., R. 16 E., MD Mer.: Sec. 25, lots 1–3, within; Sec. 25, NE¼NW¼, within	81.88	Mariposa	100% all min.
CA-19701	T. 9 S., R. 21 E., MD Mer.: Sec. 13, W½SW¼; Sec. 14, SE¼NW¼, NW¼SW¼, NW¼NE¼, S½NE¼, NW¼SE¼, SE¼SE¼.	360.0	Madera	100% all min.
CA-19801	T. 11 N., R. 6 W., SB Mer.: Sec. 30, MS 6638	1.0	San Bernardino	100% all min.
CA-19695	T. 26 S., R. 34 E., MD Mer.: Sec. 30, lot 1, within; Sec. 30, S½NW¼, within	1.0	Kern	100% all min.
CA-19822	T. 2 S., R. 13 W., SB Mer.: Sec. 4, Lot 3, 4	4.0	Los Angeles	100% oil & gas.

The purpose is to allow consolidation of surface and subsurface of minerals ownership where there are no known mineral values or in those instances where the reservation interferes with or precludes appropriate nonmineral development and such development is a more beneficial use of the land than the mineral development.

Upon publication of this notice of realty action in the **Federal Register** as provided in 43 CFR 2720.1-(b), the mineral interests owned by the United States in the private land covered by the application shall be segregated to the extent that they will not be subject to appropriation under the public land laws, including the mining laws. The segregative effect of the application shall terminate either upon issuance of a patent or other document of conveyance to such mineral interest, upon final rejection of the application or two years from the date of filing of the application, whichever occurs first.

FOR FURTHER INFORMATION CONTACT: Elizabeth Hoefler, Bureau of Land Management, California State Office, 2800 Cottage Way, Room E–2841, Federal Office Building, Sacramento, CA 95825, 916–978–4815.

Dated: January 23, 1987.

Nancy J. Alex,

Chief, Lands Section Branch of Adjudication and Records.

[FR Doc. 87–1925 Filed 1–30–87; 8:45 am]

BILLING CODE 4310-40-M

[WY–040–06–4212–11; W96238]

Realty Action; Sweetwater County, WY

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action W–96238, recreation and public purposes classification and application for lease of public lands in Sweetwater County, Wyoming.

SUMMARY: The following described public lands near the communities of Eden and Farson, Wyoming, have examined and indentified as suitable for lease for sanitary landfill purposes. The lands will be classified for lease under the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 et seq.).

Sixth Principal Meridian

T. 25 N., R. 106 W.,
Section 34: S½NE¼.

The area described contains 80 acres.

DATES: Comments must be submitted on or before March 19, 1987. Any adverse comments will be reviewed by the State Director. In the absence of any adverse comments, the classification of the lands described in this notice will become effective April 3, 1987.

ADDRESSES: Submit comments in writing to the Area Manager, Green River Resource Area, Box 1170, Rock Springs, Wyoming 82902.

FOR FURTHER INFORMATION CONTACT: Sally Haverly (Realty Specialist), 307–362–6422.

SUPPLEMENTAL INFORMATION: The Eden Valley Solid Waste Disposal District intends to use the land for a sanitary landfill. The lands are physically suited to the proposed use. The proposed use would be in the public interest and is in conformance with the Bureau's planning for the lands involved.

A lease issued under this notice reserve to the United States all mineral deposits in said lands, together with the right to mine and remove the same under applicable laws and regulations. Such a lease will also be subject to the provisions of the Recreation and Public Purposes Act and to all applicable regulations of the Secretary of the Interior. Upon publication of this notice in the **Federal Register**, the above described land will be segregated from all appropriations except as to applications under the mineral leasing laws and the Recreation and Public Purpose Act.

The lease will have no impact to any grazing lease permittees.

Sally J. Haverly,

Acting Area Manager.

[FR Doc. 87-1927 Filed 1-30-87; 8:45 am]

BILLING CODE 4310-22-M

[NV-943-07-4220-10; N-19622]

Legal Description of Bravo 20 Bombing Range Withdrawal; Nevada

January 16, 1987.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This notice provides official publication of the legal description of the Department of the Navy's Bravo 20 Bombing Range Withdrawal in Nevada as required by secretary 2(a) of Pub. L. 99-606 enacted November 6, 1986.

EFFECTIVE DATE: November 6, 1986.

FOR FURTHER INFORMATION CONTACT: Vienna Wolder, Bureau of Land Management, Nevada State Office, P.O. Box 12000, Reno, Nevada 89520, (702) 784-5481.

SUPPLEMENTARY INFORMATION: The legal description of the public land withdrawal for the Bravo 20 Bombing Range effected by Pub. L. 99-606 is as follows:

Mount Diablo Meridian, NV

T. 23 N., R. 32 E.,
secs. 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30.
T. 24 N., R. 32 E.,
secs. 20, 22, 24, 26, 28, 30, 32, 34, 36.
T. 23 N., R. 33 E.,
secs. 6, 8, 18, 20, 30;
sec. 17 SE¼;
sec. 19, S½.
T. 24 N., R. 33 E.,
secs. 20, 30, 32.

The area described aggregates approximately 21,600 acres in Churchill County.

A copy of the legal description and the map depicting the involved lands are on file for public inspection in the following offices:

Director (322), Bureau of Land Management, Room 3643, Interior Bldg., 18th and C Streets, NW., Washington, DC 20240

State Director, Bureau of Land Management, Nevada State Office, P.O. box 12000, 850 Harvard Way, Reno, Nevada 89520

Bureau of Land Management, Carson City District Office, 1535 Hot Springs Road, Suite 300, Carson City, Nevada 89701

Office of the Secretary, Department of Defense, The Pentagon, Washington, DC 20301-1000

Commander, Naval Air Station, Fallon, NV 89406

Commanding Officer, Western Division, Naval Facilities Engineering Command, P.O. Box 727, San Bruno, CA 94066-0720

Robert G. Steele,

Deputy State Director, Operations.

[FR Doc. 87-1928 Filed 1-30-87; 8:45 am]

BILLING CODE 4310-HC-M

[ORE-05433, ORE-05555, OR-20572, OR-943-07-4220-11: GPO7-086]

Proposed Continuation of Withdrawals; Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration proposes that all or portions of 3 separate land withdrawals continue for an additional 20 years and requests that the lands involved remain closed to surface entry and mining and be opened to mineral leasing subject to FAA concurrence.

FOR FURTHER INFORMATION CONTACT: Champ Vaughan, BLM Oregon State Office, P.O. Box 2965, Portland, Oregon 97208 (Telephone 503-231-6905).

The Federal Aviation Administration proposes that the following identified land withdrawals be continued for a period of 20 years pursuant to section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714. The following described lands and projects are involved:

1. ORE 05433, Bureau of Land Management Order of 6-14-1957, Klamath Falls Air Navigation Site. 160 Acres. Located in Klamath County, 10 miles southeast of Klamath Falls. T. 40 S., R. 10 E., W.M. Secs. 9 and 10.

2. ORE 05555, Bureau of Land Management Order of 7-12-1957, Horton Air Navigation Site. 111 Acres. Located in Lane County, 25 miles northwest of Eugene. T. 15 S., R. 7 W., W.M., Sec. 7.

3. OR 20572, Bureau of Land Management Order of 8-18-1950, Medford Air Navigation Site. 80 Acres. Located in Jackson County, 12 miles north of Medford. T. 35 S., R. 2 W., W.M., Secs. 34 and 35.

The withdrawals currently segregative the lands from operation of the public lands laws generally, including the mining and mineral leasing laws. The Federal Aviation Administration requests no changes in the purpose or segregate effect of the withdrawals except that the lands be opened to applications and offers under the mineral leasing laws.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal continuations may present their views in writing to the undersigned officer at the address specified above.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. A report will also be prepared for consideration by the Secretary of the Interior, the President and Congress, who will determine whether or not the withdrawals will be continued and if so, for how long. The final determination on the continuation of the withdrawals will be published in the **Federal Register.** The existing withdrawals will continue until such final determination is made.

Dated: January 21, 1987.

Leland D. Morrison,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 87-1929 Filed 1-30-87; 8:45 am]

BILLING CODE 4310-33-M

[OR-22247: OR-943-07-4220-11: GP-07-081]

Oregon; Conveyance of Public Land: Order Providing for Opening of Lands

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This action informs the public of the conveyance of 3,139.16 acres of public lands out of Federal ownership. This action will also open 3,345.60 acres of reconveyed lands to surface entry, mining and mineral leasing.

EFFECTIVE DATE: March 9, 1987.

FOR FURTHER INFORMATION CONTACT: Champ Vaughan, BLM Oregon State Office, P.O. Box 2965, Portland, Oregon 97208, (Telephone 503-231-6905).

SUPPLEMENTARY INFORMATION: 1. Notice is hereby given that in an exchange of lands made pursuant to Section 206 of the Act of October 21, 1976, 90 Stat. 2756, 43 U.S.C. 1716, a patent has been issued transferring 3,139.16 acres of lands in Harney County, Oregon, from Federal to private ownership.

2. In the exchange, the following described lands have been reconveyed to the United States:

Willamette Meridian

T. 24 S., R. 24 R.,
Sec. 2, E½SW¼ and W½SE¼;
Sec. 11, NE¼, NE¼NW¼, and SE¼SE¼;
Sec. 15, NW¼NE¼;
Sec. 24, SE¼NW¼.
T. 23 S., R. 25 E.,
Sec. 31, SW¼NE¼;
Sec. 32, NE¼SE;
Sec. 33, N½SW¼ and NW¼SE¼.
T. 24 S., R. 27 E.,
Sec. 7, all that portion lying westerly of the highway right-of-way, as more particularly identified and described upon the official records of the Bureau of Land Management, Oregon State Office;
Sec. 17;
Sec. 19, lots 1, 2, 3, and 4, E½W½, and E½;
Sec. 21;
Sec. 25, NE¼, N½NW¼, SW¼, excepting therefrom a tract of land in the SE¼ SW¼ described as follows: Beginning at the southeast corner of the SW¼ of said section 25; thence west 208.7 feet; thence north 417.4 feet; thence east 208.7 feet; thence south 417.4 feet to the place of beginning.
T. 24 S., R. 28 E.,
Sec. 19, SE¼NW¼.

The areas described aggregate approximately 3,345.60 acres in Harney County.

3. At 8:30 a.m., on March 9, 1987, the lands described in paragraph 2 will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 8:30 a.m., on March 9, 1987, will be considered as simultaneously filed at the time. Those received thereafter will be considered in the order of filing.

4. At 8:30 a.m., on March 9, 1987, the lands described in paragraph 2 will be open to location and entry under the United States mining laws. Appropriation of land under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

5. At 8:30 a.m., on March 9, 1987, the lands described in paragraph 2 will be open to applications and offers under the mineral leasing laws.

Dated: January 21, 1987.

L. D. Morrison,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 87-2014 Filed 1-30-87; 8:45 am]

BILLING CODE 4310-33-M

Bureau of Mines

Divestment of Stored Drill Core Holdings

AGENCY: Bureau of Mines, Interior.

ACTION: Notice of divestment of stored drill core holdings.

SUMMARY: The Director of the Bureau of Mines proposes to begin divestment proceedings on hard rock drill core stored on Federal property adjacent to the Mining Research Center in Fort Snelling (Minneapolis, MN).

DATES: Interested parties should contact the official listed below on or before March 4, 1987.

FOR FURTHER INFORMATION CONTACT: Bureau of Mines, Twin Cities Research Center, James J. Olson, Deputy Research Director, 5629 Minnehaha Avenue South, Minneapolis, MN 55417 (612) 725-4560.

SUPPLEMENTARY INFORMATION: The Bureau of Mines intends to begin divestment of hard rock drill core stored on Federal property adjacent to its Twin Cities Mining Research Center in Fort Snelling (Minneapolis, MN). The amount of core is approximately 1.1 million feet, and it is stored in either wooden or metal trays. The total footage is composed of roughtly 790,000 feet from States east of the Mississippi River and 310,000 feet from States west of the river.

Much of the core was acquired from extensive exploratory drilling under the Strategic and Critical Mineral Investigations Program during World War II. Analyses were conducted on the core and the mineral potential summarized in a series of Bureau of Mines Reports of Investigations and other publications. Following this, the Bureau moved to catalog and store the core, eventually consolidating holdings at repositories located in Minneapolis and Denver. Some additional core was provided by private companies, other Government agencies, and county offices from several States. From that time on and into the early 1960's, the Bureau continued to accept core on a case-by-case basis. In the 1970's, however, storage capacities were reached and core was no longer accepted.

During the 1970's core at the Minneapolis (Twin Cities) repository was recataloged and records updated to provide efficient public access. The Denver repository, however, was not improved to the same extent, and with need for the storage facility for other purposes, the Denver core was transferred to the Twin Cities repository in 1983. The Denver holdings are being held temporarily in an unsorted storage condition.

The likelihood of core divesture was accelerated when the Minnesota Department of Natural Resources (DNR) approached the Bureau with a request to transfer all core drilled in the State to its repository in northern Minnesota. Placement of the Bureau's collection together with other State holdings enhances the value of this core as a tool for mineral exploration. As a result, a memorandum of agreement was negotiated with the Minnesota DNR to transfer the Minnesota core (over 400,000 feet) on a long-term basis, and the transfer has been completed.

State Geologists from other States have been contracted to survey their interest in accepting core, and considerable interest was documented. As a next step, the Bureau proposes to divest itself of the remaining 1.1 million feet of core and eventually coordinate the transfer of ownership of the Minnesota core to the State DNR. Other Federal agencies that may have a programmatic interest in acquiring the core, or that have contributed core in the past and wish to express a position, should contact the Bureau.

Once the Bureau determines that no Federal agency is interested in acquiring this core, it will proceed with divestment. The Bureau plans to use appropriate Federal information management procedures for divestment with the goal of placing the Bureau-drilled core with the respective State Geological Surveys or appropriate natural resources branches. Other owners of core presently stored in the Bureau's repositories would then be asked if they agree to give their core to the appropriate State or if they want to retain possession of the core and if the State were agreeable, to transfer their core on a loan basis while retaining ownership. Core not claimed by anyone will be discarded.

Robert C. Horton

Director.

[FR Doc. 87-1930 Filed 1-30-87; 8:45 am]

BILLING CODE 4310-53-M

Minerals Management Service

Royalty Management Advisory Committee; Meeting

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of meeting.

SUMMARY: The Minerals Management Service (MMS) hereby gives notice that the Royalty Management Advisory Committee will hold a meeting in Denver, Colorado, at the location and on the dates indicated below to review a report of the PAAS Onshore Conversion Working Panel. The Advisory Committee will also review proposed oil, gas, and coal product valuation regulations. The MMS published the proposed oil and coal product valuation regulations in the **Federal Register** on January 15, 1987. The proposed gas regulations are scheduled for publication in mid-February 1987. In addition, the Advisory Committee will review MMS's policy pertaining to adjustments reported by payors on the monthly Report of Sales and Royalty Remittance (Form MMS–2014).

The Advisory Committee will review the panel report, proposed rulemakings, and MMS's adjustment policy. It will make recommendations to the Secretary of the Interior, as appropriate.

Location and dates: The "PAAS Onshore Conversion", "Valuation Regulations", and "Adjustment Policy" sessions of the Royalty Management Advisory Committee will be held at the Sheraton Denver Tech Center, 4900 Denver Tech Center Parkway, Denver, Colorado, on March 30, 31, and April 1, 1987, from 8 a.m. to 5 p.m. each day, except that the meeting on March 30 will start at 9 a.m.

These meetings will be open to the public. Public attendance may be limited by the space available. Questions and answers from the public will be addressed at a designated time during each day's meeting. Written statements should be submitted by March 15, 1987, to the address listed below. Minutes of this meeting will be available for public inspection and copying by May 29, 1987, at the same address.

FOR FURTHER INFORMATION CONTACT: Vernon B. Ingraham, Minerals Management Service, Royalty Management Program, Office of External Affairs, Denver Federal Center, Building 85, P.O. Box 25165, Mail Stop 660, Denver, Colorado 80225, telephone number (303) 231–3360, (FTS) 326–3360.

SUPPLEMENTARY INFORMATION: The PAAS Onshore Conversion Working Panel was established by the Royalty Management Advisory Committee. The panel is composed of both Advisory Committee members and non-Committee members and was established to provide the Advisory Committee with analysis of specific issues and proposed recommendations. Panel recommendations will be reviewed by the Advisory Committee which will then decide what advice and recommendations to give to the Department of the Interior and MMS.

Dated: January 22, 1987.

William D. Bettenberg,

Director, Minerals Management Service.

[FR Doc. 87–1955 Filed 1–30–87; 8:45 am]

BILLING CODE 4310-MR-M

National Park Service

Intention To Negotiate Concession Contract; Buzzard Point Boatyard Corp.

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that sixty (60) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Buzzard Point Boatyard Corporation, authorizing it to continue to provide marina and boating facilities and services for the public at Anacostia Park, National Capital Parks-East, Washington, DC, for a period of six (6) years from September 1, 1986 through August 31, 1992.

This contract renewal has been determined to be categorically excluded from the procedural provisions of the National Environmental Policy Act and no environmental document will be prepared.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under an existing permit which expires by limitation of time on August 31, 1986, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract as defined in 36 CFR 51.5.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioner, must be postmarked or hand delivered on or before the sixtieth (60th) day following publication of this notice to be considered and evaluated.

Interested parties should contact the Regional Director, National Capital Region, 1100 Ohio Drive SW., Washington, DC 20242, for information as to the requirements of the proposed contract.

Dated: July 21, 1986.

Editorial Note: This document was received at the office of the Federal Register January 28, 1987.

Robert Stanton,

Acting Regional Director, National Capital Region.

[FR Doc. 87–2010 Filed 1–30–87; 8:45 am]

BILLING CODE 4310-70-M

DEPARTMENT OF JUSTICE

Office of Juvenile Justice and Delinquency Prevention

Coordinating Council; Meeting

The first quarterly meeting of the Coordinating Council on Juvenile Justice and Delinquency Prevention will be held in Washington, DC, on February 25, 1987. The meeting will take place in the Main Auditorium at the Department of Health and Human Services, Hubert Humphrey Building, 200 Independence Avenue, SW., from 9:30 a.m. to 12:00 p.m. The public is welcome to attend.

The agenda will include matters related to the coordination of the Federal effort with regard to the implementation of the Anti-Drug Abuse Act as its provisions apply to children and youth and the prevention of delinquency.

For further information, please contact Roberta Dorn, Office of Juvenile Justice and Delinquency Prevention, 633 Indiana Avenue, NW., Washington, DC 20531, (202) 724–7655.

Dated: January 23, 1987.

Approved:

Verne L. Speirs,

Acting Administrator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 87–2004 Filed 1–30–87; 8:45 am]

BILLING CODE 4410-18-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Agency Information Collection Under OMB Review

AGENCY: National Endowment for the Humanities.

ACTION: Notice.

SUMMARY: The National Endowment for the Humanities (NEH) has sent to the Office of Management and Budget (OMB) the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

DATE: Comments on this information collection must be submitted on or before March 4, 1987.

ADDRESSES: Send comments to Ms. Ingrid Foreman, Management Assistant, National Endowment for the Humanities, Administrative Services Office, Room 202, 1100 Pennsylvania Avenue NW., Washington, DC 20506 (202) 786–0233 and Ms. Judy Egan, Office of Management and Budget, New Executive Office Building, 726 Jackson Place NW., Room 3208, Washington, DC 20503 (202) 395–6880.

FOR FURTHER INFORMATION CONTACT: Ms. Ingrid Foreman, National Endowment for the Humanities, Administrative Services Office, Room 202, 1100 Pennsylvania Avenue NW., Washington, DC 20506 (202) 786–0233 from whom copies of forms and supporting documents are available.

SUPPLEMENTARY INFORMATION: All of the entries are grouped into new forms, revisions or extensions. Each entry is issued by NEH and contains the following information: (1) The title of the form; (2) the agency form number, if applicable; (3) how often the form must be filled out; (4) who will be required or asked to report; (5) what the form will be used for; (6) an estimate of the number of hours needed to fill out the form. None of these entries are subject to 44 U.S.C. 3504(h).

Category Revisions

Title: National Capital Arts and Cultural Affairs Program.

Form Number: 3136–0115.

Frequency of Collection: 1 per year from each respondent.

Respondents: Applicants for grants from the National Capital Arts and Cultural Affairs Program.

Use: To apply for grants.

Estimated Number of Respondents: 15 per year.

Estimated Hours for Respondents to Provide Information: 4 hours per respondent annually.

Susan Metts,

Assistant Chairman for Administration.

[FR Doc. 87–1931 Filed 1–30–87; 8:45 am]

BILLING CODE 7536–01–M

National Endowment for the Arts; Meeting; Literature Advisory Panel

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Literature Advisory Panel (Audience Development Section) to the National Council on the Arts will be held on February 19, 1987, from 9:00 a.m.–5:30 p.m.; on February 20, 1987, from 9:00 a.m.–5:30 p.m.; and on February 21, 1987, from 9:00 a.m.–1:00 p.m. in room 714 of the Nancy Hanks Center, 1100 Pennsylvania Avenue NW., Washington, DC 20506.

A portion of this meeting will be open to the public on February 21, 1987, from 12:00 p.m.–1:00 p.m. for a discussion of policy and guidelines.

The remaining sessions of this meeting on February 19, 1987, from 9:00 a.m.–5:30 p.m.; on February 20, 1987, from 9:00 a.m.–5:30 p.m.; and on February 21, 1987, from 9:00 a.m.–12:00 p.m. are for the purpose of application review in accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsection (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

If you need special accommodations due to a disability, please contact the Office for Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington DC 20506, 202/682–5532, TTY 202/682–5496 at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call 202/682–5433.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

January 27, 1987.

[FR Doc. 87–1932 Filed 1–30–87; 8:45 am]

BILLING CODE 7537–01–M

National Endowment on the Arts; Meeting; Museum Advisory Panel

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Museum Advisory Panel (Special Exhibitions Section Section) to the National Council on the Arts will be held on February 23–27, 1987, from 9:00 a.m.–5:30 p.m. in room M–14 of the Nancy Hanks Center, 1100 Pennsylvania Avenue NW., Washington, DC 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the Agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682–5433.

John H. Clark,

Director, Council and Panel Operations, National Endowment for the Arts.

January 27, 1987.

[FR Doc. 87–1933 Filed 1–30–87; 8:45 am]

BILLING CODE 7537–01–M

National Endowment for the Arts; Music Advisory Panel

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hearby given that a meeting of the Music Advisory Panel (Centers for New Music Resources/ Services to Composers Section) to the National Couuncil on the Arts that will be held on February 18, 1987, from 9:00 a.m.–5:00 p.m. in room 730 of the Nancy Hanks Center, 1100 Pennsylvania Avenue NW., Washington, DC 20506.

This meeting will be open to the public from 2:00–3:00 on a space available basis. The topics for discussion will include policy and guidelines.

If you need accommodations due to a disability, please contact the Office for Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue NW., Washington, DC 20506, 202/682–5532, TTY 202/682–5496 at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call 202/682–5433.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

January 27, 1987.

[FR Doc. 87–1934 Filed 1–30–87; 8:45 am]

BILLING CODE 7537–01–M

NUCLEAR REGULATORY COMMISSION

Financial Protection Requirements and Indemnity Agreements; Indemnification of Spent Reactor Fuel Stored at a Reactor Site Different Than the One Where it Was Generated

AGENCY: Nuclear Regulatory Commission.

ACTION: Exercise of discretionary statutory authority.

SUMMARY: The Commission has decided to exercise its discretionary statutory authority under the Price-Anderson Act and again extend Government indemnity to spent reactor fuel stored at a particular reactor site different than the one where it was generated. Absent this action by the Commission, this spent reactor fuel will not be covered by Government indemnity in the event of a nuclear incident at the site where this spent fuel will be stored and where the reactors involved have the same licensee.

FOR FURTHER INFORMATION CONTACT: Mr. Ira Dinitz, Office of State Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 492–9884.

SUPPLEMENTARY INFORMATION: Most operating reactor licensees have increased, or are planning to increase, the capacity of their onsite spent fuel storage pools. In some instances where the capacity of the storage pools at the reactor site cannot be increased sufficiently to meet the licensee's needs, fuel storage may be sought at another location. One method of storing spent fuel away from the reactor from which it is discharged is to store it in the spent fuel pool of another of the same licensee's reactors but at a different site.

The Commission has received a request from Carolina Power and Light Company to authorize and indemnify this type of activity. The Carolina Power request is for Commission authorization permitting Carolina and its co-licensees at the Shearon Harris Station to store spent fuel discharged from the Brunswick and Robinson reactors at the Shearon Harris reactor. Carolina Power is seeking Price-Anderson indemnity protection for all such storage of spent fuel at the distant reactor location.

The Commission considered and approved similar requests by Carolina Power and Light Company in August 1977, and Duke Power Company in November 1982, July 1985 and April 1986. (See **Federal Register** Notices 42 FR 44615, 46 FR 55024, 50 FR 30415 and 51 FR 12664).

Under the Price-Anderson Act (section 170 of the Atomic Energy Act of 1954, as amended (the Act)), financial protection and government indemnity are mandatory for production and utilization facilities, such as reactors, licensed under section 103 and section 104 of the Act. This financial protection and indemnity covers the "licensed activity" which encompasses not only possession and operation of the reactor facility itself but also certain ancillary activities including (1) possession of the new fuel (containing special nuclear material) being stored on-site for use in the reactor and (2) on-site storage of spent fuel following its irradiation at that reactor. Mandatory indemnification does not extend to the fuel when it is stored another reactor site.

Possession of spent fuel away from the facility where it was generated, i.e., at a location where it is not used in connection with the operation of the facility, is not a part of the ancillary activity of possession and operation of the facility where this spent fuel is to be stored. As a result, after being transferred from the reactor site where it was generated to some other site, possession of this spent fuel must be licensed under other provisions of the Act which authorize licenses for possession and use of the special nuclear and byproduct material and would not be subject to the mandatory indemnity requirement of the Act providing that the Commission require financial protection of and indemnify reactor (and other production and utilization facility) licensees.

Accordingly, no indemnity protection automatically would be afforded spent fuel stored away from the facility where it is produced or used. To indemnify this spent fuel, the Commission must require the licensee at whose facility the spent fuel will be stored to maintain financial protection and to be indemnified by exercising its discretionary authority under section 170 of the Act. For the purposes of Price-Anderson coverage, this exercise of discretionary authority would result in treating spent fuel produced at one reactor site but stored at a different site the same as spent fuel stored at the site of the reactor where it was produced. Thus, irradiated fuel generated by a reactor at one site whether stored by itself in the spent fuel pool of a reactor at a different site or commingled with the second reactor's irradiated fuel in that reactor's spent fuel pool would be covered by financial protection and indemnity.

The NRC believes that it would not be desirable to have a situation where spent fuel generated at one reactor but stored in the spent fuel pool of a second reactor at a different site would be unindemnified while the spent fuel produced by the second reactor and stored at the same site would be indemnified. If indemnity coverage were not extended to the spent fuel generated at the first reactor but stored at the site of a second reactor and if an accident involving the fuel storage pool at the second reactor were to occur, it would be virtually impossible to determine whether indemnified or unindemnified spent fuel caused the accident.

In view of the foregoing, the Commission has decided to exercise its discretionary authority under section 170 of the Atomic Energy Act of 1954, as amended, and will modify the indemnity agreement for the Shearon Harris facility to permit storage at Shearon Harris of fuel irradiated either at the Brunswick facility or at the Robinson facility. As required in 10 CFR 140.9, the Commission is publishing an amendment, which would redefine the term "the radioactive material" in Article I, paragraph 9 in the Shearon Harris Indemnity Agreement B–103, to read as follows:

> The radioactive material means source, special nuclear and byproduct material which (1) is used, was used or will be used in, or is irradiated, was irradiated or will be irradiated by the nuclear reactor licensed under NPF–63, or (2) was used in, or was irradiated in the nuclear reactors licensed under DPR–23, DPR–62, and DPR–71 and subsequently is transported to the site of the nuclear reactor licensed under NPF–63 for the purpose of storage, or (3) which is produced as the result of the operation of the nuclear reactor licensed under NPF–63.

This amendment relates to changes in an indemnity agreement incorporated into a 10 CFR Part 50 license. Accordingly, this amendment meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(10)(i). Pursuant to 10 CFR 51.22(b), no environmental impact statement nor environmental assessment need be prepared in connection with the issuance of this amendment.

Authority: 5 U.S.C. 552; Pub. L. 83–703, 68 Stat. 919, as amended by Pub. L. 85–256, 71 Stat. 576, as amended (42 U.S.C. 2210).

Dated at Bethesda, Maryland, this 15th day of January 1987.

For the Nuclear Regulatory Commission.

Victor Stello, Jr.,

Executive Director for Operations.

[FR Doc. 87–1874 Filed 1–30–87; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards; Subcommittee on Standardization of Nuclear Facilities; Postponed Meeting

The **Federal Register** published on Friday, January 23, 1987 (52 FR 2632) contained notice of a meeting of the ACRS Subcommittee on Standardization of Nuclear Facilities to be held on Wednesday, February 11, 1987, 8:30 a.m., Room 1046, 1717 H Street, NW., Washington, DC. This meeting has been postponed until further notice.

Dated: January 28, 1987.

Morton W. Libarkin,

Assistant Executive Director for Project Review.

[FR Doc. 87-1982 Filed 1-30-87; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards; Meeting Agenda

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor Safeguards will hold a meeting on February 5-7, 1987, in Room 1046, 1717 H Street NW, Washington, DC. Notice of this meeting was published in the **Federal Register** on January 21, 1987.

Thursday, February 5, 1987

8:30 a.m.-8:40 a.m.: Report of ACRS Chairman (Open)—The ACRS Chairman will report briefly regarding items of current interest to the Committee.

8:40 a.m.-10:45 a.m.: Naval Reactors Training Facility (Closed)—Consider proposed operation of a training facility for naval nuclear propulsion plant personnel.

This session will be closed to discuss classified information.

11:00 a.m.-12:00 Noon: Advanced Reactors (Open)—Discuss use of established technology and standardization of DOE non-water cooled nuclear power plants.

1:00 p.m.-3:00 p.m.: NRC Safety Research Program (Open)—Discuss proposed ACRS report to the United States Congress regarding the proposed NRC Safety Research Program for FY 1988.

3:00 p.m.-4:30 p.m.: Quantitative Safety Goals (Open)—Discuss proposed NRC Staff plan for implementation of the NRC Policy Statement on Quantitative Safety Goals.

4:45 p.m.-5:30 p.m.: Radioactive Waste Management and Disposal (Open)—Briefing by NRC Staff regarding proposed ACRS activities in the regulation of radwaste management and disposal.

5:30 p.m.-6:15 p.m.: Standardized Nuclear Plants (Open)—Discuss proposed ACRS comments regarding improvements in standardized nuclear plants.

6:15 p.m.-6:45 p.m.: Containment Performance (Open)—Discuss proposed NRC Staff resolution of Generic Issue 61, SRV Discharge Line Break in the Airspace of Mark I and Mark II Suppression Pools, and other pool bypassing mechanisms.

Friday, February 6, 1987

8:30 a.m.-11:00 a.m.: Nuclear Facility Operating Experience (Open/Closed)—Discuss recent operating experience and events at nuclear power plants.

Portions of this session will be closed as necessary to discuss Proprietary Information applicable to the facility being discussed.

11:15 a.m.-12:15 p.m.-2:00 p.m.: Surry Nuclear Power Station Unit 2 (Open)—Briefing and discussion regarding planned resolution of recent feedwater line failure at this facility.

2:00 p.m.-2:15 p.m.: Edwin I. Hatch Nuclear Plant—Briefing regarding AIT evaluation of recent incident in which spent-fuel cooling water was lost.

2:15 p.m.-2:30 p.m.: Future Activities (Open)—Discuss anticipated ACRS subcommittee activities and items proposed for consideration by the full Committee.

2:30 p.m.-4:30 p.m.: NRC Reactor Safety Research Program (Open)—Discuss proposed ACRS report to the U.S. Congress regarding the proposed NRC Safety Research Program for FY 1988.

4:30 p.m.-6:30 p.m.: Quantitative Safety Goals (Open)—Discuss proposed NRC Staff implementation plan for the NRC Policy Statement on Quantitative Safety Goals.

Saturday, February 7, 1987

8:30 a.m.-11:00 a.m.: Preparation of ACRS Reports (Open/Closed)—Discuss proposed ACRS reports to the NRC and the U.S. Congress regarding items considered during this meeting. A proposed report on electrical surge protection in nuclear power plants will also be discussed.

Portions of this session will be closed as necessary to discuss Proprietary Information and Classified Information applicable to the matters being discussed.

11:15 a.m.-12:45 p.m.: Advanced Boiling Water Reactor (Open)—Discuss major issues associated with the scope of and basis for the licensing review of this facility.

1:45 p.m.-2:00 p.m.: Radioactive Waste Management and Control (Open)—Discuss proposed ACRS position/comments regarding the proposed ACRS role in the regulation of radioactive waste management and disposal.

2:00 p.m.-3:00 p.m.: ACRS Subcommittee Activity (Open/Closed)—Hear and discuss reports of designated ACRS subcommittee activities regarding safety related and regulatory activities of the NRC.

Portions of this session will be closed as necessary to discuss Proprietary Information applicable to the matter being discussed.

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 20, 1986 (51 FR 37241). In accordance with these procedures, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Committee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS Executive Director as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements. Use of still, motion picture and television cameras during this meeting may be limited to selected portions of the meeting as determined by the Chairman. Information regarding the time to be set aside for this purpose may be obtained by a prepaid telephone call to the ACRS Executive Director, R.F. Fraley, prior to the meeting. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the ACRS Executive Director if such rescheduling would result in major inconvenience.

I have determined in accordance with subsection 10(d) Pub. L. 92-463 that it is necessary to close portions of this meeting as noted above to discuss information that involves Proprietary Information (5 U.S.C. 552b(c)(4)) and classified information (5 U.S.C. 552b(c)(1)) applicable to the facility being discussed.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted can be obtained by a prepaid telephone call to the ACRS Executive Director, Mr. Raymond F.

Fraley (telephone 202/634–3265), between 8:15 a.m. and 5:00 p.m.

Dated: January 27, 1987

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 87–1983 Filed 1–30–87; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50–346]

Toledo Edison Co. and the Cleveland Electric Illuminating Co.; Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF–3 issued to Toledo Edison Company and The Cleveland Electric Illuminating Company (the licensees), for operation of the Davis-Besse Nuclear Power Station, Unit No. 1, located in Ottawa County, Ohio.

The amendment would revise Technical Specification (TS) Sections 3.8.2.3, 4.8.2.3.1, 4.8.2.3.2, and 4.8.2.4.1 and the associated Basis Section 3/4.8 in accordance with the licensees' application for amendment dated January 21, 1987. These TS Sections relate to the D.C. electrical power distribution system during plant operation and when shutdown. The proposed revisions would (1) change certain nomenclature used in the TSs to the specific equipment designations used at Davis-Besse, and (2) revise the Surveillance Requirements for D.C. Distribution using the guidance of the model technical specifications for station batteries issued by the NRC on July 16, 1981. The NRC guidance was based upon Regulatory Guide 1.129, February 1978, and IEEE Standard 450–1980. The current Davis-Besse TS Surveillance Requirements are based on earlier revisions of these documents.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The licensees have evaluated the proposed changes to the TSs with respect to the three criteria given in 10 CFR 50.92 and have concluded that the proposed changes would not involve a significant hazards consideration as follows:

1. The accident conditions and assumptions are not affected by the proposed TS changes. The proposed TSs continue to meet the safety function of the Limiting Condition for Operation and Surveillance Requirements. Therefore, the changes would not involve a significant increase in the probability or consequences of an accident previously evaluated (10 CFR 50.92(c)(1)).

2. No station equipment is modified by these changes and the station batteries and distribution system will continue to be tested and inspected to ensure the operability. Therefore, no new or different kind of accident from any previously analyzed is created. Therefore, the changes would not create the possibility of a new or different kind of accident from any previously analyzed (10 CFR 50.92(c)(2)).

3. The operability of the A.C. and D.C. power sources and associated distribution systems will continue to be demonstrated to ensure sufficient power is available to supply the safety-related equipment required for (1) the safe shutdown of the station, (2) the mitigation and control of accident conditions within the station, (3) the maintaining of the station in the shutdown or refueling condition for extended periods of time and (4) instrumentation and control capability for monitoring and maintaining the station's status. Therefore, the changes would not involve a significant reduction in the margin of safety (10 CFR 50.92(c)(3)).

The Commission agrees with the licensees' evaluation regarding the application of the criteria of 10 CFR 50.92, and proposes to determine that the proposed changes likely do not involve a significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this Federal Register notice. Written comments may also be delivered to Room 4000, Maryland National Bank Building, 7735 Old Georgetown Road, Bethesda, Maryland, from 8:15 a.m. to 5:00 p.m. Copies of the written comments received may be examined at the NRC Public Document Room, 1717 H Street NW., Washington DC. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By March 2, 1987, the licensees may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license, and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition, and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the

Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the request for an amendment involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325–6000 (in Missouri (800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to John F. Stolz: Petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel-Bethesda, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Gerald Charnoff, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037, attorney for the licensees.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board, that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1) (i) through (v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and at the University of Toledo Library, Documents Department, 2801 Bancroft Avenue, Toledo, Ohio 43606.

For the Nuclear Regulatory Commission.

Gordon E. Edison,

Acting Director, PWR Project Directorate No. 6, Division of PWR Licensing-B.

[FR Doc. 87–1981 Filed 1–30–87; 8:45 am]

BILLING CODE 7590–01–M

PHYSICIAN PAYMENT REVIEW COMMISSION

Commission Meeting

AGENCY: Physician Payment Review Commission.

ACTION: Notice of Meeting.

SUMMARY: The Commission will hold a public meeting on February 12–13, 1987 in Room 800 of the Hubert H. Humphrey Building, 200 Independence Ave. SW., Washington, DC. The meetings will begin at 9:00 AM and 8:30 AM on the respective two days. The Commission was established by section 9305 of Pub. L. 99–272.

ADDRESS: The Commission's office in the Mary E. Switzer Building, 330 C Street, SW., Washington, DC 20201 in Suite 7033. Its telephone number is 202/472–1364.

FOR FURTHER INFORMATION CONTACT: Lauren LeRoy, Deputy Director for Management and External Relations, 202/472–1367.

SUPPLEMENTARY INFORMATION: The meeting will be devoted to completion of the Commission's annual report to Congress due March 1. The Commissioners will review a draft prepared by staff and make final decisions on recommendations. It will discuss its workplans for the next 6–12 months. If time permits, the Commission will hear background briefings on the Administration's proposal to pay radiologists, anesthesiologists and pathologists for services to Medicare inpatients on the basis of diagnostic related groups (DRGs).

Paul B. Ginsburg,

Executive Director.

[FR Doc. 87–1984 Filed 1–30–87; 8:45 am]

BILLING CODE 6820–SE–M

RAILROAD RETIREMENT BOARD

Actuarial Advisory Committee With Respect to the Railroad Retirement Accounts; Public Meeting

Notice is hereby given in accordance with Pub. L. 92–463 that the Actuarial Advisory Committee will hold a meeting on February 24, 1987, at the office of the Chief Actuary of the U.S. Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois, on the conduct of the 17th Actuarial Valuation of the Railroad Retirement Account. The agenda for this meeting will include the results of the recently completed age retirement, disability retirement, withdrawal, and active service mortality studies for the 17th Valuation, together with the recommendations of the Chief Actuary as to the retirement, withdrawal, and active service mortality assumptions to be used for the 17th Valuation.

The meeting will be open to the public. Persons wishing to submit written statements or make oral

presentations should address their communications or notices to the RRB Actuarial Advisory Committee, c/o Chief Actuary, U.S. Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611.

Dated: January 26, 1987.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 87-1935 Filed 1-30-87; 8:45 am]

BILLING CODE 7905-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-24024; File No. SR-OCC-86-11]

Self-Regulatory Organizations; Options Clearing Corp., Order Granting Approval of Proposed Rule Change

The Options Clearing Corporation ("OCC"), on May 13, 1986, filed with the Securities and Exchange Commission a proposed rule change (File No. SR-OCC-86-11) under section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") that would revise OCC's By-Laws concerning adjustments to the terms of outstanding stock option contracts.[1] The Commission published notice of the proposal in the **Federal Register** on June 3, 1986.[2] No comments were received. This Order approves the proposal.

I. Description

The proposal would revise OCC's By-Laws, Article VI, Section 11, and would add several proposed Interpretations and Policies ("Interpretations"). The principal changes are discussed below.

Paragraph (a)

The proposal would expand the types of changes to underlying securities that might warrant adjustments to option contracts to include: (1) Distributions in the form of a cash dividend or reverse stock split; and (2) the merger, consolidation, dissolution, or liquidation of the issuer of an underlying security.

Paragraph (b)

The proposal would amend Section 11 to clarify that OCC's Securities Committee ("Committee") will make all OCC option contract adjustments.[3] The Committee would determine, in its sole discretion, whether to make adjustments and, if so, the amount of such adjustments.

The proposal would direct the Committee, in making adjustment decisions, to act in furtherance of the protection of investors and the public interest, and to apply such factors as: (1) Fairness to holders and writers of options; (2) maintenance of fair and orderly options markets; (3) consistency of the Committee's interpretations and practices; (4) efficiency of option exercise settlement procedures; and (5) coordination with other clearing agencies of the clearance and settlement of transactions in the underlying security. The paragraph also would authorize the Committee to adopt policy statements or interpretations concerning adjustment determinations.

Further, Paragraph (b) would designate the Committee's adjustment determinations as conclusive, binding on investors, and non-reviewable.[4] It would likewise designate the Committee's policy statements of interpretations as conclusive, binding on investors, and non-reviewable, subject only to Commission oversight.[5]

Paragraph (c)

The proposal generally would preclude adjustments for "ordinary" cash dividends or "ordinary" cash distributions. Proposed Interpretation .01 would define the term "ordinary" in this context to mean cash dividends and cash distributions of up to 10% of a security's market value. Cash dividends and cash distributions of more than 10% would require evaluation on a case-by-case basis as to whether they qualify as "extraordinary" and, if so, whether they require adjustment. The Committee would continue its current practice of adjusting option contracts for: (1) Stock distributions of underlying securities;[6] and (2) other events that change the property interests represented by underlying securities.[7]

Paragraphs (d)-(g)

Paragraphs (d) and (e) would provide for adjustments to an option contract in event of a stock dividend, stock distribution, or stock split involving the underlying security. The provisions would remain essentially unchanged by the proposal except that they would be changed from mandatory rules to "general" rules, thereby providing added flexibility.

Paragraph (f) also would remain essentially unchanged except that, as amended, it would grant the Committee specific authority to determine the value of "distributed properties," authority that by implication it already possesses. Paragraph (g) would grant the Committee discretionary adjustment authority concerning events affecting option contracts that are not otherwise specified in Section 11.

Paragraphs (h) and (i)

Paragraph (h) would specify that the "ex-dates" for options contracts would be the same as the "ex-dates" established for related underlying securities in the primary markets. Paragraph (i) would provide that, as a general rule: (1) All adjustments of an exercise price would be to the nearest ⅛ of a dollar and all adjustments to the unit of trading would be rounded down to eliminate any fraction; and (2) if the unit price were rounded down to eliminate a fraction, the adjusted exercise price would be further adjusted, to the nearest ⅛ of a dollar, to eliminate any diminution in the value of the option contract resulting from the elimination of the fraction.

Paragraph (j)

The proposal would grant the Committee overriding authority to make exceptions to the general adjustment rules set forth in Paragraphs (c) through (i) of section 11. The Committee, in considering such exceptions, would apply the standards governing adjustments as set forth in section 11(b).

Paragraph (k)

Proposed Paragraph (k) would supersede existing section 11(e), governing the structure of the Committee. It would authorize an inter-exchange standing committee (*i.e.*, the Securities Committee) composed of the

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[1] "Adjustments" must be made to option contracts to reflect the occurrence of certain fundamental changes (*e.g.*, a 2 for 1 stock split) to the underlying securities.

[2] *See* Securities Exchange Act Rel. No. 23278 (May 28, 1986), 51 FR 19913.

[3] Existing OCC By-Law, Article VI, section 11(e) established the Committee. The Committee's members currently consist of the OCC Chairman and two designated representatives of each exchange that trades options issued by OCC (although this proposal, in Paragraph (k), would modify its membership). *See infra.*

[4] *See, infra,* note 13. The adjustment decisions, of course, would not be exempt from the Commission's oversight authority under the Act. On December 30, 1986, OCC amended the proposal to expressly recognize Commission oversight authority in this regard. *See,* letter from Lori R. Burns, Associate General Counsel, OCC, to Jonathan Kallman, Assistant Director, Securities and Exchange Commission, December 30, 1986.

[5] *See, infra,* note 11.

[6] Stock "distributions" may include, for example, a stock dividend, stock split, reverse split, rights dividend, or a property dividend such as shares of a subsidiary distributed as a corporate spin-off. Investment companies and limited partnerships may effect similar distributions but possibly under different terminology.

[7] Events that may change corporate property interests include, for example: A merger, acquisition, consolidation, reorganization, dissolution, or liquidation.

Chairman of OCC and one representative (rather than the present two representatives) from each participating exchange.[8]

An *ad hoc* panel of the standing Committee would consist of two representatives (including one member of the standing Committee) from the exchange or exchanges that trade option contracts on the underlying security as well as the OCC Chairman or his designee. The actions of such a panel would constitute the actions of the Committee itself. The vote of a majority of voting members of either the Committee or of any adjustment panel would constitute, respectively, the determination of the Committee or a panel. Under current OCC rules, while panels may be used in formulating adjustment decisions, the panels themselves lack formal recognition, and therefore panel decisions require approval by the Committee before becoming final.

The proposal would authorize OCC's Chairman to appoint any other OCC officer to the Committee as his substitute. Moreover, unless subject to a conflict of interest,[9] any representative of an exchange could designate any other representative of such exchange to serve in his place for any meeting of the Committee, or adjustment panel thereunder, and any such designee would have the powers of the person designating him. The proposal would bar *ad hoc* panel members from participating in any decisions if they beneficially hold an option contract about which the panel must render an adjustment decision.

Interpretations

Proposed Interpretation .02 of Section 11 ordinarily would preclude adjustments designed to reflect the issuance of exercisable "poison pill rights." If the rights were triggered, the Committee then would review the matter, like any other distribution. Interpretation .03 would preclude making adjustments to reflect a tender offer or exchange offer. Interpretation .04 would preclude adjustments to reflect internal changes to a company's capital structure where the underlying security is not changed into another security, cash, or property. Interpretation .05 would require options adjustments to reflect the cash amount where an underlying security is converted into cash in a cash-out merger. Interpretation .06 would apply to corporate reorganization that result in a unit for unit exchange for securities in a resulting company. It ordinarily would require adjustments to options on the original company's underlying securities into a like number of units of the resulting company's securities.

II. OCC's Rationale

OCC believes that the proposal conforms to the purposes and requirements of sections 6(b)(5) and 17A of the Act. Generally, OCC believes that the proposal would further the maintenance of fair and orderly markets and the protection of investors in that it would: (1) Eliminate overly restrictive language presently applicable to adjustments, (2) permit more equitable adjustments in extraordinary situations, and (3) clarify the OCC By-Laws as to the authority and effects of the Committee's determinations. OCC further states that the proposal would provide the Committee with more discretion to deal with novel securities transactions and would codify certain existing adjustment practices.

OCC believes that the Committee, in considering option contract adjustments: (1) Must act promptly after the announcement of a transaction that affects the underlying security; (2) cannot always foresee how a transaction involving the underlying security ultimately will affect the price of the related option; and (3) cannot make adjustment decisions if its decisions may expose its members to significant liabilities.

OCC also believes that the Committee's adjustment determinations must be final because once OCC announces an adjustment decision, investors trade in reliance on that decision and subsequent changes to the decision could result in considerable investor confusion and financial losses. Although OCC believes its rules already provide finality for the Committee's adjustment decisions, OCC believes the proposed rules will make the finality of those decisions more explicit.[10]

OCC believes that it is desirable: (1) To authorize the Committee to adjust option contracts for extraordinary distributions or dividends, and (2) to eliminate the existing text that prohibits adjustments for cash dividends or cash distribution out of an issuer's "earnings and profits." OCC's reasoning is as follows: (1) Available records often do not disclose whether a distribution has come from an issuer's "earnings and profits;" (2) the concept of "earnings and profits" has no meaning when applied to some issuers, such as limited partnerships; and (3) the failure to adjust option contracts can lead to inappropriate results when applied to extraordinary distributions.

OCC believes that the proposal would introduce more flexibility into the adjustment process. OCC notes that the proposal would permit the Committee to make exceptions in appropriate cases and would place greater emphasis on decentralized adjustment panels. Apparently, most adjustment decisions already are the result of panel decisions.

III. Discussion

The Commission believes that the proposal would improve the framwork for adjustment decisions, provide an appropriate balance between the interests of holders and writers of options, and increase certainty in the adjustment process. Accordingly, the Commission believes that the proposal is consistent with the Act and should be approved.

The Commission recognizes that adjustments to an option contract may become necessary as a result of basic modification to the option's underlying security (*e.g.*, a stock split) or to the security's issuer (*e.g.*, a corporate merger). Without adjustments in such cases, an option, as a derivative security, might not, for example, bear the intended proportionate relationship to the total number of shares outstanding. Such a result could hinder efforts to maintain fair and orderly markets.

The proposal would improve the framework for adjustment decisions. The proposal would clarify that adjustment decisions will be made by the Securities Committee (through ad hoc panels), which would now be a standing committee vested with express authority to adopt interpretations and stated policies having general application to recurrent types of transactions.[11] The proposal also would minimize actual or perceived conflicts of interests by prohibiting anyone who owns an option (beneficially or directly)

[8] OCC's By-Laws define "exchange" to mean: (1) A national securities exchange that has qualified for participation in OCC, or (2) a national securities association that has qualified for participation in OCC. *See* OCC By-Laws, Art. I, Section 1(b).

[9] OCC has agreed that, under section 11(k) of the proposal, any person having such a conflict of interest could neither participate in the adjustment decision nor designate his replacement to participate in the adjustment decision. Telephone conversation between Lori R. Burns, Associate General Counsel, OCC, and Thomas C. Etter, Attorney, Securities and Exchange Commission, December 4, 1986.

[10] *See, infra*, note 13.

[11] Depending on the nature of the interpretations and policies, such interpretations and policies may constitute propsed rule changes, which are required to be filed with the Commission under section 19(b) of the Act.

from participating in an adjustment decision concerning that option.

The proposal would provide the Committee with considerable flexibility in making adjustment decisions. For example, it would authorize delegation of adjustment decisions to the *ad hoc* panels, consisting of designees knowledgeable about the case at hand. The proposal also would clarify that a majority vote of the Committee or of an adjustment panel would constitute a determination of the Committee and would authorize Committee and panel members to designate their own replacements to act with the same authority as full Comittee or panel members.[12] The Commission believes this flexibility is essential because of the need for prompt and final decision-making regarding option adjustments.[13]

The Commission recognizes the Committee's need for flexibility to deal with unforeseeable circumstances, but also recognizes the potential for abuse. The Commission believes that OCC has taken appropriate steps to limit this potential. Although Paragraph (j) would authorize the Committee to grant exceptions to OCC rules mandating or prohibiting adjustments, OCC will maintain records of such decisions and of the Committee's supporting rationale.[14]

The proposal codifies several Committee policies and practices. The Commission believes that these policies provide useful guidance to investors and the Committee. For example, the proposal clarifies that adjustments will not be made to refelct: the issuance of "posion pill" rights that are not immediately exercisable, commencement of tender or exchange offers to holders of securities underlying option contracts, or changes in an issuer's capital structure where all the Outstanding securities in the hands of the public are not changed into another security, cash, or property.

The proposal also adds important guidance concerning adjustments for dividends and distributions. The Commission believes that the increasing use of distributions in corporate reorganizations or in response to takeover bids justifies authorizing the Committee to adjust for extraordinary dividends or distributions. Authorizing the Committee to make adjustments on a case-by-case basis, with a stated policy that adjustments should not be made for "ordinary" dividends of less than 10% of their underlying securities' market values, appears to be an approriate balance between the interests of holders and writers. Under this framwork, it would appear that adjustments will more likely reflect the substance, rather than the form, of changes in securities underlying equity options.

IV. Conclusion

For the reasons stated above, the Commission finds that the proposed rule change is consistent with the Act. In particular, the Commission finds that the proposed rule change is consistent with: (1) Sections 6(a), 11 A(a)(1)(C)(i), and 17A(a)(2) regarding the public interest, the maintenance of fair and orderly markets, and the efficient execution of securities transactions; (2) Sections 6(b)(5) and 17A(b)(3)(F) in fostering cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities; and (3) Section 17A and the rules and regulations thereunder applicable to clearing agencies.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change (SR-OCC-86-11) be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, under delegated authority.

Dated: January 23, 1987.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-1997 Filed 1-30-87; 8:45 am]

BILLING CODE 8010-01-M

[12] *See, supra*, note 9.

[13] The Commission does not intend this rule change to preclude an action challenging an adjustment decision where it is adequately alleged that OCC or the members of the Committee or of its panels acted in bad faith in implementing the provisions of this rule. *See* section 29 of the Act and Brawer v. OCC, No. 86-7416 (2d Cir. Dec. 11, 1986). In addition, in approving this rule change, the Commission takes no position on whether the rule change would preclude any state law breach of contract action challenging an OCC adjustment decision.

[14] OCC has agreed that, if the Committee grants any exception that overrides OCC rules governing adjustments to option contracts, OCC shall: (1) Provide a written statement to the Commission and, on request, the OCC clearing members setting forth "good cause" for the Committee's exception; and (2) maintain a log of such exceptions as part of its official records under section 17(a) of the Act.

[Release No. 34-24022; File No. SR-NASD-87-02]

Self-Regulatory Organizations; Filing and Order Approving on an Accelerated Basis Proposed Rule Change by National Association of Securities Dealers, Inc.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on January 8, 1987, the National Association of Securities Dealers, Inc. ("NASD") filed with the Securities and Exchange Commission a proposed rule change providing for on-line trade reconciliation of over-the-counter ("OTC") transactions in multipal bonds. The Commission is publishing this notice to solicit comments on the proposed rule change. Also, because the Commission believes the benefits of an automated comparison system for municipal securities transactions should be made available to participating NASD member firms as soon as possible, the Commission is approving the proposal on an accelerated basis.

Written comments on the proposal may be submitted within 21 days from the date this Order is published in the **Federal Register**. Six copies should be filed with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC. 20549. Please refer to File No. SR-NASD-87-02.

Copies of the proposal, amendments, comment letters, and written communications relating to the proposed rule change other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, may be inspected and copies at the Commission's Public Reference Room in Washington, DC. Filings also may be inspected and copied at the principal office of the above-mentioned self-regulatory organization.

I. Description of the Proposed Rule Change

The NASD proposes to amend the description of the Trade Acceptance and Reconciliation Service ("TARS") that is operated by NASD Market Services, Inc. ("MSI"), a subsidiary of the NASD. Since its inception in 1983, TARS has provided participating firms with a facility for on-line trade reconciliation of OTC transactions in equity securities that are cleared through a registered national clearing agency. The proposed update of the TARS description reflects an enhancement that will extend the features of TARS of OTC transactions in municipal bonds. This enhancement is known as the Municipal Bond Acceptance and Reconciliation Service ("MBARS"). The details of its operation are set forth in the *MBARS User Guide*, a copy of which has been filed with the Commission.

Subscription to MBARS, Like TARS, will be voluntary. Hence, a firm's decison to subscribe is purely an internal one based upon business considerations. Moreover, a TARS subscriber will pay no additional fee for use of MBARS.

II. NASD's Rationale for the Proposed Rule Change

In its filing, the NASD states that the purpose of the proposed rule change is to update the description of TARS previously filed with the Commission to incorporate the MBARS enhancement. MBARS is designed to support the clearance of municipal bond trades and to assist subscriber firms with on-line entury of trade data respecting trades cleared through a registered national clearing agency. The implementation of MBARS will introduce a greater degree of automation to the process of clearing OTC transactions in municipal bonds, particularly the process of resolving uncompared trades. As such, the NASD believes MBARS will expedite comparison and, in general, provide more cost-effective procedures for processing OTC transactions in municipal bonds that are eligible for clearance through a clearing agency.

The statutory bases for the MBARS enhancement are identical to those for TARS and can be found in sections 17A(a) (1) (A), (B) and (C) of the Securities Exchange Act of 1934 (the "Act").[1] Section 17A of the Act articulates the Congressional findings respecting a national system for the clearance and settlement of securities transactions:

> [That] the prompt and accurate clearance and settlement of securities transactions, including the transfer of record ownership and the safeguarding of securities and funds related thereto, are necessary for the protection of investors and persons facilitating transactions by and acting on behalf of investors; [that] inefficient procedures for clearance and settlement impose unnecessary costs on investors and persons facilitating transactions by and acting on behalf of investors; [and that] new data processing and communications techniques create the opportunity for more efficient, effective, and safe procedures for clearance and settlement.

Because the automation capabilities of MBARS will increase the efficiency and cost-effectiveness of the comparison and settlement process for OTC transactions in municipal bonds, the NASD believes that its implementation is fully responsive to the foregonig findings.

Additionally, implementation of the MBARS enhancement to TARS is supported by section 15A(b)(6) of the Act and Municipal Securities Rulemaking Board ("MSRB") Rule G–12, subparagraphs (f) and (h). Section 15A(b)(6) requires national securiteis associations, such as the NASD, to promulgate rules designed to foster cooperation and coordiantion with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transaction in, municipal securities. In that connection, subparagraph (f) of MSRB Rule G–12 concerns the use of automated comparison, clearance, and settlement systems; subparagraph (h) concerns the resolution of open inter-dealer transactions.[2] By streamlining the clearance and settlement process for OTC transactions in municipal bonds, the NASD believes the MBARS will foster achievement of the statutory goals expressed in section 15A(b)(6) of the Act and promote compliance with MSRB Rule G–12, particularly subparagraphs (f) and (h). Lastly, the NASD notes that section 19(g)(1) of the Act mandates, among other things, that the NASD enforce compliance by its members with the rules of the MSRB.

III. Discussion

The Commission believes that the proposed rule change is consistent with the Act, and in particular, sections 15A(b) (6) and 17A of the Act. As contemplated by section 15A(b)(6) of the Act, the NASD's municipal comparison system should foster cooperation and coordination with persons engaged in clearing and settling transactions in municipal securities. The NASD's proposal is similar to existing clearing agency municipal bond comparison systems.[3]

The Commission believes the NASD proposal, like the municipal comparison systems currently in operation, benefits the municipal securities industry and furthers the goals in section 17A of the Act by providing uniform, automated, efficient municipal securities comparison services. The proposal would extend the features of TARS to OTC transactions in municipal bonds, and would provide an automated mechanism for performing repetitive tasks that are integral to the routine processing of OTC transactions in municipal bonds cleared through a registered clearing corporation, particularly the process of resolving uncompared trades.

Finally, the Commission agrees that the proposal promotes compliance with MSRB Rule G–12. That rule requies the use of automated clearnace and settlement systems for certain municipal securities transactions.

IV. Conclusion

On the basis of the foregoing, the Commission finds the proposed rule change consistent with the requirements of the Act. Furthermore, the Commission finds good cause for approving the proposed rule change prior to the thirtieth day after publishing notice of filing. The Commission believes that immediate implementation of the proposal is desirable because it will allow participating NASD member firms to realize the benefits of an automated comparison system for municipal securities transactions.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change (File No. SR–NASD–87–02) be, and hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Dated: January 21, 1987.

Jonathan G. Katz,

Secretary.

[FR Doc. 86–1996 Filed 1–30–87; 8:45 am]

BILLING CODE 8010–01–M

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[1] Section 3(a)(12) of the Act defines the term "exempted securities" to include municipal securities. This provision specifies, however, that municipal securities shall not be deemed to be "exempted securities" for purposes of section 17A of the Act.

[2] *See* Securities Exchange Act Rel. No. 20365 (Novembver 14, 1983), 48 FR 52531, which approved proposed changes to MSRB Rules G–12 and G–15 establishing a timetable for integrating municipal seucrities brokers and dealers into the National Clearance and Settlement System.

[3] *See* Securities Exchange Act Rel. No. 20976 (May 18, 1984), 49 FR 22426; Securities Exchange Act Rel. No. 21120 (July 6, 1984), 49 FR 28490; Securities Exchange Act Rel. No. 21279 (August 31, 1984), 49 FR 35456; and Securities Exchange Act Rel. No. 21315 (September 12, 1984), 49 FR 36726, in which the Commission approved automated comparison services for municipal securities transactions proposed by the National Securities Clearing Corporation ("NSCC"), Midwest Clearing Corporation ("MCC") and Pacific Clearing Corporation ("PCC"), the Depository Trust Company ("DTC"), and Stock Clearing Corporation of Philadelphia ("SCCP"), respectively.

[Release No. 34–23960; File No. SR–OCC–86–24]

Self-Regulatory Organization; Filing and Immediate Effectiveness of Proposed Rule Change by Options Clearing Corp.

The Options Clearing Corporation ("OCC"), on October 31, 1986, filed a proposed rule change with the Commission under section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") concerning the pledge of non-equity options under OCC's options pledge program. As described in greater detail below and in OCC's filing, the proposed rule change authorizes OCC to offer its non-equity options pledge program to all clearing members through

February 28, 1987 [1] and permits clearing members to exercise or sell pledge non-equity options. The Commission is publishing this notice to solicit comments on the rule change.

I. Background

The proposal amends OCC Rule 614, which governs pledges of option positions and which previously applied only to equity options.[2] The proposal follows a pilot program that OCC introduced in March 1986.[3] The pilot permitted a limited number of clearing members to pledge non-equity options, but the pilot prohibited clearing members from selling or exercising pledged non-equity options.

II. Description

A. Rights of Parties

OCC is expanding its Rule 614 to cover the rights and obligations of the pledgees, clearing members, and OCC, in the event a pledged option is sold or exercised. First, under the rule, OCC must deliver to pledgees and clearing members, on the business day following the exercise or sale of a pledged option ("Report Day"), a written report stating which pledged options have been exercised or sold. Second, any clearing member with an overpledged position [4] must pay an "Overpledged Value Amount" to OCC, prior to 9:00 a.m. (Central Time) on Report Day. The Overpledged Value Amount consists of a cash deposit equal to the current market value of the option contract for each pledged option that gave rise to an overpledged position by having been exercised or sold.[5] As described below, if OCC fails to receive the Overpledged Value Amount (*i.e.*, if a clearing members fails to make the required deposit), OCC must take action under the terms of the second paragraph of OCC Rule 614(i). Third, OCC is authorized to withdraw the Overpledged Value Amount from the clearing member's bank account.[6] Fourth, OCC, as promptly as practicable after it receives the Overpledged Value Amount from the clearing member, must depoist such amount in the pledgee's deposit account.[7] Fifth, the pledgee has the right to receive the Overpledged Value Amount, but upon OCC's deposit of that amount into the pledgee's deposit account, the pledgee has no further right to either the pledged options that gave rise to the overpledged option or to the proceeds thereof.

B. Failure to Receive Deposit

If OCC fails to receive the Overpledged Value Amount from the clearing member on the Report Day, special procedures apply as set forth in OCC Rule 614(i). Under subparagraph (1) of Rule 614(i), the sales or exercises are reallocated pursuant to subparagraph (f)(2) of Rule 614. Rule 614(f)(2) generally requires: (1) Reallocation of the sales and exercises to the primary account and then to the pledge accounts on a proportional basis, and (2) establishment of a short position in the Primary Account for any remaining sales after the long positions have been closed out. Under subparagraph (2), OCC is required: (1) To suspend the defaulting clearing member as promptly as practicable, and (2) deposit the proceeds of each pledged option that had been sold into the pledgee's deposit account. The terms of subparagraphs (1) and (2) are not modified by this rule change.

Subparagraph (3) deals with pledged options that have been exercised. In event of a clearing member's failure to pay the cash deposit, it requires OCC to notify the clearing member to whom the exercised option has been assigned (*i.e.*, the clearing member on the other side of the default): (1) To close out the option contract through buy-in or sell-out procedures and (2) to pay over any profit to OCC. OCC is required to deposit that settlement amount into the pledgee's deposit account. In event that the settlement amount is less than the full amount due, the deficiency shall be paid to the assigned clearing member from the following sources: (1) The funds obtained from the primary account until such funds are exhausted, and (2) the liquidating settlement account.[8]

The new text of subparagraph (3) would define "Assigned Clearing Member" (for purposes of that subparagraph) in terms of the assignee's duties with respect to: (1) Pledged equity options or Treasury securities, and (2) pledged foreign currency options. With respect to pledged equity options or Treasury sucurities, the close out obligations of option contracts assigned on the previous day will be delegated to that clearing member that is obligated to deliver to or receive from the exercising clearing member (*i.e.*, the defaulting clearing member). For pledged foreign currency options, close out obligations will be delegated to the clearing member that is obligated to deliver to or receive from OCC, on the settlement date of the pledged option, the foreign currency underlying the pledged option. Because of OCC netting rules that apply in settling exercises of Treasury securities options and foreign currency options [9] and OCC's system of post-netting allocation, which instructs a clearing member to effect settlement with another clearing member, the clearing member that ultimately is obligated to settle with an exercising clearing member will not necessarily be the Assigned Clearing Member pursuant to subparagraph (3).

Subparagraph (4), which is entirely new, applies only to pledged index options. It provides that if a clearing member fails to make the required cash deposit after exercising a pledged index option, OCC promptly will deposit the amount due into the pledgee's deposit account.[10]

Subparagraph (5), which also is entirely new, applies to pledged Treasury securities options and pledged foreign currency options that net against other settlement obligations thereby relieving the exercising clearing clearing of the need to deliver or receive the underlying security or currency.[11] In this case, where a clearing member fails to make its required deposit, OCC will deposit into the pledgee's deposit account an amount equal to the in-the-money value of the pledged option as of

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[1] On December 31, 1986, OCC filed a similar proposal for permanent approval of the proposed non-equity options pledge program. *See* File No. SR-OCC-86-27.

[2] OCC began its Option Pledge Program for equity options in March 1983 with the adoption of OCC Rule 614. *See* Securities Exchange Act Rel. No. 19956 (July 19, 1983), 48 FR 33956 (File No. SR-OCC-82-25).

[3] *See* Securities Exchanage Act Rel. No. 23097 (April 2, 1986), 51 FR 12254 (File No. SR-OCC-86-3).

[4] The term "overpledged position" means a pledged option position that has been exercised or sold.

[5] The "Overpledged Value Amount" is the product of: (1) The unit of trading for the series of options of the pledged option, and (2) the current highest asked price on the premium for that option series at or about the close of trading on the preceding business day. Additionally, OCC may fix a different value in accordance with OCC Rule 601. *See* OCC Rule 614(a).

[6] *See* OCC Rule 614(a).

[7] The "Pledgee's Deposit Account" or "collateral account" is an account with a clearing bank designated by the Pledgee for accepting cash deposits. *See* OCC Rule 614(a).

[8] Upon the suspension of a clearing member, OCC must convert to cash all margins deposited with the OCC by that clearing member in all accounts. Such funds then are placed by OCC in a special account known as a "Liquidating Settlement Account." *See* OCC Rule 1104.

OCC's ultimate source of funds to make good losses resulting from the failure of a clearing member to perform its obligations under an assigned option contract is OCC's Clearing Fund. *See* OCC's By-Laws, Art. VIII, Sect. 1.

[9] *See* OCC Rules 1406 and 1605.

[10] In the case of index options, the need for buy-in and sell-out provisions is eliminated by the absence of an underlying asset to deliver or receive.

[11] With these options, as with index options, there is no obligation to be bought in or sold out.

the close of trading on the exercise date.[12]

Finally, the rule change: (1) Deletes Interpretation .01 (the provision that established the pilot program) from Rule 614; and (2) revises Rule 1807 to recognize the possibility that, in the event of a clearing member's insolvency, a pledgee (rather than the clearing member itself) might be entitled to receive the exercise settlement amount from the exercised index options.

III. Conclusions

OCC states that the proposal is consistent with the purposes and requirements of Section 17A of the Act in that it would further the public interest by facilitating the frequency of positions in non-equity options, thereby contributing to the depth and liquidity of the markets for those products.

The rule change has become effective pursuant to section 19(b)(3)(A) of the Act and Rule 19b–4. The Commission may summarily abrogate the rule change at any time within 60 days of its filing if it appears to the Commission that abrogation is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Interested persons may submit written comments within 21 days after notice is published in the **Federal Register.** Six copies of the comments should be filed with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, with accompanying exhibits, and all written comments, except for material that may be withheld from the public under 5 U.S.C. 552, are available at the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, DC. Copies of the filing also will be available for inspection and copying at the principal office of OCC. All submissions should refer to File No. SR–OCC–86–24 and should be submitted by February 23, 1987.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Dated: January 6, 1987.

Jonathan G. Katz,

Secretary.

[FR Doc. 87–2000 Filed 1–30–87; 8:45 am]

BILLING CODE 8010–01–M

[12] The amounts to be deposited in the deposit accounts are amounts that OCC would have paid to the clearing member in any event if the exercise had settled in due course, either as a return of margin (on equity options or currency options) or in settlement of the exercises (with foreign currency options).

[FILE NO. 22–15868]

Application and Opportunity for Hearing; American Southwest Financial Corp.

January 27, 1987.

Notice is hereby given that American Southwest Financial Corporation (the "Company") has filed an application, as amended and restated ("Application"), pursuant to clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939 (hereinafter sometimes referred to as the "Act") for a finding by the Securities and Exchange Commission (the "Commission") that the trusteeship of The Valley National Bank of Arizona (the "Bank") under an indenture dated as of August 1, 1984, as amended (the "Indenture"), providing for the issuance of bonds ("Bonds") in series ("Series"), which was heretofore qualified under the Act, and indenture supplements thereto with respect to each such Series of Bonds, ("Indenture Supplements"), is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Bank from acting as trustee under the aforementioned indentures.

Section 310(b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined in the section), it shall, within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of that section provides, with certain exceptions stated therein, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture of the same obligor. The Company alleges that:

1. Each Series of Bonds is secured by the pledge of collateral by the Company to the Bank under such Indenture and Indenture Supplements. A default under the Indenture or Indenture Supplement for any Series of Bonds does not cause a default under the Indenture or Indenture Supplement for any other Series of Bonds.

2. Each Series of Bonds is secured by collateral which includes, *inter alia,* various mortgage-backed certificates, mortgage participation certificates, conventional mortgage loans and other mortgage loans secured by mortgages or deeds of trust on single-family residences ("Pledged Loans"). The Application relates only to the trusteeship under the Indenture and Indenture Supplements with respect to Series of Bonds secured by mortgage collateral consisting in whole or in part of Pledged Loans.

3. The Company intends to purchase certain general coverage insurance policies or performance bonds (such as pool insurance policies, special hazard insurance policies, mortgagor bankruptcy bonds, repurchase bonds, and prepayment interests bonds, hereinafter "General Coverage Policies") providing coverage for more than one Series of Bonds in the circumstance where the Indenture and Indenture Supplements with respect to each Series of Bonds would be under the trusteeship of the Bank, subject to the requirement that any such utilization not result in a downgrading of the rating of the Bonds of any such Series by any rating agency rating such bonds.

4. With respect to the five types of General Coverage Policies, the Bank is primarily responsible for the presentment of claims only under two of such General Coverage Policies. A master servicer rather than the Bank is required to present, or cause to be presented, claims to the respective issuers of the pool insurance policy, the special hazard insurance policy and the mortgagor bankruptcy bond. The Bank's only relationship with the pool insurance policy, the special hazard insurance policy and the mortgagor bankruptcy bond is limited to (i) physical custody of such insurance policies or performance bonds because they constitute part of the Trust Estate and (ii) the succession of the rights and powers of the master servicer in the event of the termination of the master servicer pursuant to the terms of the Master Servicing Agreement until a new master servicer is appointed. The Trustee is primarily responsible for the presentment of claims under any repurchase bond or any prepayment interest bond. However, the coverage provided under either the repurchase bond or the prepayment interest bond will be drawn upon only upon the successive occurrence of a number of unlikely events.

5. In the event that General Coverage Policies are utilized to provide coverage for more than one Series of Bonds, the bondholders of each such Series of Bonds would rank pari passu. The Bank, or the master servicer, as applicable, would be required to either pay such claim from amounts held or present such claims to the issuer of the policy for payment in the order in which such claim was received and under a mandatory tie-breaker system with respect to the receipt of more than one claim on the same day any one of which

claims would exhaust the coverage under such General Coverage Policy.

6. The administrative effort and expense, and the premium costs, of providing separate General Coverage Policies for each Series of Bonds is enormous and unduly burdensome both on the part of the Applicant and the issuers of such General Coverage Policies and it has become difficult to obtain General Coverage Policies for single Series of Bonds. To the extent that an issuer is willing to issue a General Coverage Policy, such issuers have expressed a strong desire that any such General Coverage Policy be utilized to provide coverage for more than one Series of Bonds. To the extent that an issuer is unwilling to issue a General Coverage Policy for a Series of Bonds, the Applicant is required to make substantial cash or cash equivalent deposits partially or entirely in lieu therefor into an account or fund in order to satisfy the rating agency requirements for such Series of Bonds.

7. The public interest in not well served by a requirement that results in the procurement of separate General Coverage Policies for each Series of Bonds since it is costly, economically inefficient and unduly burdensome to both the Applicant and the issuers of such General Coverage Policies and, ultimately, the purchasers of the Bonds. Additionally, the requirement of separate General Coverage Policies for each Series of Bonds is unnecessary for the protection of investors in that (i) the Indenture and Indenture Supplements will be structured to prevent the Trustee from being in a conflict situation as between different Series of Bonds, (ii) the statutory conflict-of-interest provisions will remain in full force in the Indenture in the event that a conflict situation ever arises, (iii) the Trust Estate with respect to each Series of Bonds structured as contemplated by the Application will initially have access to an amount of coverage under the General Coverage Policies at least equal to, or in most cases greater than, the coverage that would have been provided had separate General Coverage Policies been issued, and (iv) the rating agencies have revised there standards to allow the use of General Coverage Policies as contemplated by the Application while continuing to assign such Series of Bonds their highest credit rating.

The Company has waived notice of hearing, hearing and any and all rights to specify procedures under the Rule of Practice of the Commission in connection with this matter.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said Application as amended, which is on file in the offices of the Commission's Public Reference Section, File Number 22-15868, 450 Fifth Street, NW, Washington, DC 20549.

Notice is further given that any interested person may, not later than February 17, 1987 request in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request and the issues of law or fact raised by such application which he desires to controvert, or he may request that he be notified if the Commission orders a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549.

At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and for the protection of investors, unless a hearing is ordered by the Commission. For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87-1998 Filed 1-30-87; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-15551; 812-6520]

Lincoln National Pension Insurance Co., et al.; Application for Exemption

January 23, 1987.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for exemption under the Investment Company Act of 1940 (the "Act").

Applicant(s): Lincoln National Pension Insurance Company, Lincoln National Pension Variable Annuity Account E, and American Funds Distributors, Inc.

Relevant 1940 Act Sections: Exemption requested under section 6(c) from sections 26(a)(2)(C) and 27(c)(2).

Summary of Application: Applicants seek an order to permit them to issue variable annuity contracts that provide for the deduction of mortality and expense risk charges from net asset value.

Filing Date: The application was filed on November 13, 1986, and amended on January 6, 1987.

Hearing or Notification of Hearing: If no hearing is ordered, the application will be granted. Any interested person may request a hearing on this application, or ask to be notified if a hearing is ordered. Any requests must be received by the SEC by 5:30 p.m., on February 17, 1987. Request a hearing in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve the Applicant(s) with the request, either personally or by mail, and also send it to the Secretary of the SEC, along with proof of service by affidavit, or, for lawyers, by certificate. Request notification of the date of a hearing by writing to the Secretary of the SEC.

Addresses: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Applicants, Lincoln National Pension Insurance Company, Lincoln National Pension Variable Annuity Account E, 1300 South Clinton Street, Fort Wayne, Indiana 46801 and American Funds Distributors, Incorporated, 333 South Hope Street, Los Angeles, California 90071.

FOR FURTHER INFORMATION CONTACT: Financial Analyst Denise M. Furey, (202) 272-2067 or Special Counsel Lewis B. Reich, (202) 272-2061 (Division of Investment Management.)

SUPPLEMENTARY INFORMATION: Following is a summary of the application; the complete application is available for a fee from either the SEC's Public Reference Branch in person or the SEC's commercial copier, (800) 231-3282 (in Maryland (301) 258-4300).

Applicant's Representations

1. Lincoln National Pension Insurance Company ("LNP") is a stock life insurance company incorporated under the laws of the State of Indiana on March 1, 1934, as a general business corporation and recognized as an insurance company on November 3, 1978. LNP is a wholly-owned subsidiary of The Lincoln National Life Insurance Company, a stock life insurance company, which in turn is wholly-owned by Lincoln National Corporation, a publicly-held insurance holding company. Lincoln National Pension Variable Account E (the "Variable Account") was established by LNP as a separate account under the laws of the State of Indiana on September 26, 1986. The Variable Account is a unit investment trust registered with the Commission under the Act.

2. The Variable Account will invest in shares of one or more of the investment series of the American Pathway Fund (the "Fund"). The Fund is a diversified, open-end management investment company and was organized as a Massachusetts Business Trust in 1983. Four of the Fund's five series initially

will be available under the Contracts: the Cash Management Series; the High-Yield Bond Series; the Growth-Income Series; and the Growth Series. The assets of each series are separate from the others and each series has separate investment objectives and policies. As a result, each series operates as a separate investment fund and the investment performance of one series has no effect on the investment performance of any other series. The Variable Account has several sub-accounts, each of which invests solely in a specific corresponding series of the Fund. Currently, shares of the Fund are sold to a separate account of Anchor National Life Insurance Company to fund variable annuity contracts.

3. American Funds Distributors, Inc. ("AFD"), 333 South Hope Street, Los Angeles, California 90071, will serve as the distributor and principal underwriter of the Contracts. AFD is registered under the Securities Exchange Act of 1934 as a broker-dealer and is a member of the National Association of Securities Dealers, Inc. The Contracts will be sold by independent broker-dealers who have entered into sales agreements with AFD. The broaker-dealers will be licensed by State insurance departments to represent LNP.

4. A charge will be deducted from the daily net asset value of the Variable Account to reimburse LNP for certain mortality and expense risks assumed under the Contracts. The mortality risk borne by LNP under the Contracts guarantees that the variable annuity payments made to Contractowners will not be affected by the mortality experience (life span) of persons receiving such payments or of the general population. The expense risk undertaken by LNP is that the annual deduction of $35.00 which is guaranteed for the life of the contract for administration costs may be insufficient to cover the actual future costs incurred by LNP. Thre mortality and expense risk charge will be deducted from the Contract Value of each Contract daily in an amount equal to an effective annual rate of 1.25%. Of that amount, approximately .8% is allocable to the mortality risks and .45% is allocable to the administrative and distribution expense risks. The rate of this charge is guaranteed never to increase.

5. In certain cases, a contingent deferred sales charge will be assessed upon surrender of a Contract or withdrawal of part of the Contract Value prior to the Annuity Commencement Date. In each Contract Year, up to 10% of the Purchase Payments may be withdrawn free of charge. Thus, the charge applies to the first partial withdrawal in a Contract Year in excess of 10% of Purchase Payments. LNP assumes that Purchase Payments are withdrawn on a first-in, first-our basis, and that all Purchase Payments are withdrawn before any earning are withdrawn. The contingent deferred sales charge is 6% of purchase payments during the first 2 contract years after the applicable payment. The charge decreased by 100 basis points annually until it is eliminated in the seventh year.

In no event, however, will the total sales charges for a particular Contract exceed 9% of the Purchase Payments made for that Contract. Furthermore, the contingent deferred sales charge will be waived in the event the Contract is surrendered as a result of the total and permanent disability or death of the Annuitant and for contracts issued to officers, directors, or full-time employees of LNP, AFD, or the Fund's investment adviser. The contingent deferred sales charge is paid to LNP to compensate for the cost of distributing the Contracts.

6. The charge of 1.25% for mortality and expense risks assumed by LNP is within the range of industry practice with respect to comparable annuity products. This representation is based upon LNP's analysis of publicly available information about similar industry products, taking into consideration such factors as current charge levels, existence of charge level guarantees, and guaranteed annuity rates.

7. LNP has concluded that there is a reasonable likelihood that the proposed distribution financing arrangement will benefit the Variable Account and the Contractowners.

Applicant's Conditions

If the requested order is granted, the Applicant agrees to the following conditions:

1. LNP represents that it will maintain at its administrative offices, and make available to the Commission, a memorandum setting forth in detail the products analyzed in the course of, and the methodology and results of, its comparative survey made to support the representation that the mortality and expense risk charge is reasonable within the range of industry practice.

2. Applicants represent that there is a memorandum setting forth the basis for the representation that there is a reasonable likelihood that the proposed distribution financing arrangement will benefit the Variable Account and the Contractowners.

3. The Variable Account will invest only in management investment companies which undertake, in the event that it should adopt any plan under Rule 12b–1 to finance distribution expenses, to have a board of directors, a majority of whom are not interested persons in the Company, approve any plan under Rule 12b–1 to finance distribution expenses.

For the Commission, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 87–1999 Filed 1–30–87; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Proposed Advisory Circulars—Dynamic Evaluation of Transport Airplane Seats, and Analytic Methods in Impact Dynamics

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Reopening of comment period.

SUMMARY: This notice reopens the comment period for proposed advisory circulars (AC) 25.562–1, Dynamic Evaluation of Transport Airplane Seats, and 21–YY, Analytic Methods in Impact Dynamics (51 FR 25990; July 17, 1986). This notice is based on requests from industry for more time in which to study the proposed ACs and prepare comments.

DATE: Comments must be received on or before July 14, 1987.

ADDRESSES: Send comments on proposed AC 25.562–1 to: Federal Aviation Administration, Northwest Mountain Region, Transport Standards Staff, ANM–110, 17900 Pacific Highway South, C–68966, Seattle Washington, 98168. Send comments on proposed AC 21–YY to: Technical Analysis Branch, AWS–120, Aircraft Engineering Division, Office of Airworthiness, File No. 21–YY (AVN–110), Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, or deliver comments to Room 335D, 800 Independence Avenue SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: For AC 25.562–1: Patricia Siegrist, Transport Standards Staff, at the above address, telephone (206) 431–2126. For AC 21–YY: Arthur J. Hayes, Technical Analysis Branch, AWS–120, telephone (202) 267–9568).

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to comment on the proposed ACs by submitting such written data, views, or arguments as they may desire. Commenters should identify the AC (AC 25.562–1 or AC 21–YY) and submit comments in duplicate to the appropriate address specified above. All comments received on or before the closing date for comments will be considered before issuing the final ACs.

How To Obtain Copies

A copy of the proposed ACs may be obtained by contacting the persons named above under, **"FOR FURTHER INFORMATION CONTACT."**

Discussion of AC 25.562–1

By separate notice (Notice 86–11, 51 FR 25982; July 17, 1986), the FAA invited public comments concerning proposed new standards for the passenger and crew seats of transport category airplanes. The proposed standards would require dynamic testing of the seats for strength, deformation, and protection of occupants from impact injury. Test conditions representing two airplane crash scenarios are defined. Proposed AC 25.562–1 describes the FAA's crashworthiness program for transport airplanes and provides information and guidance for showing compliance with the proposed standards applicable to the dynamic testing of airplane seats, including procedures for measuring loads and impact energy with an anthropomorphic test dummy. Issuance of this AC is, of course, contingent on final adoption of the proposed standards.

Discussion of AC 21–YY

Proposed AC 21–YY discusses certain nonlinear structural dynamic computer programs that determine structure, seat, and occupant response to an impact condition. All the computer programs require a user developed mathematical model of airplane structure. The proposed AC cover a general description of selected computer programs, analytic modeling problems, computer program validation, and the use of the computer programs in impact analysis.

Reopening of Comment Period

A number of commenters have requested more time in which to study the proposed AC and prepare their comments. One commenter stated that the two advisory circulars could be better evaluated once they have formulated and submitted their position on Notice 86–11. Another commenter requested additional time in which to study an interim report on seat testing which became available during the comment period and which provides new and meaningful information not available before. In consideration of these comments, the FAA concludes that reopening the comment period for an additional six months would be in the public interest. Accordingly, the comment period for proposed AC 25.562–1 and proposed AC 21–YY is reopened for six months.

Issued in Seattle, WA, on January 20, 1987.

Leroy A. Keith,

Manager, Aircraft Certification Division, Northwest Mountain Region.

[FR Doc. 87–1902 Filed 1–30–87; 8:45 am]

BILLING CODE 4910–13–M

Certification Issues Conference; Civil Powered-Lift Transport Category Aircraft

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of conference.

SUMMARY: This notice announces a conference to discuss civil certification issues for powered-lift aircraft that may arise from the entry of such an aircraft into the civil aviation system. Powered-lift aircraft fly at the higher speeds of conventional airplanes but also safely fly at airspeeds significantly below those of conventional airplanes and may also have a zero airspeed (hover) capability. This capability may be provided by aircraft configuration changes (tilt-wing, tilt-rotor, tilt-propeller), by thrust vectoring, by direct-life engines, or by other powered-lift concepts. Powered-lift aircraft include some characteristics of rotorcraft and some characteristics of airplanes and, as a result, constitute a unique category.

DATES: *May 1, 1987:* Last day for receipt of agenda items submitted to the FAA Rotorcraft Standards Staff to facilitate establishing the conference agenda/special requirements.

June 23, 1987: Public meeting will begin at 9 a.m. and continue through succeeding days until coverage of all issues is complete.

ADDRESSES: The conference will be held at the FAA, Southwest Region, Building 3B Training Room (Room 167), 4400 Blue Mound Road, Fort Worth, Texas.

Agenda items may be mailed to FAA, Regulations Program Management, ASW–111, P.O. Box 1689, Fort Worth, Texas 76101, or delivered to the FAA Southwest Regional Office, Rotorcraft Standards Staff, Building 3B, Room 166, 4400 Blue Mound Road, Fort Worth, Texas.

FOR FURTHER INFORMATION CONTACT: Mr. J.S. Honaker, Regulations Program Management, ASW–111, Rotorcraft Standards Staff, Aircraft Certification Division, P.O. Box 1689, Fort Worth, Texas, telephone (817) 624–5109 or FTS 734–5109.

SUPPLEMENTARY INFORMATION: Several designs of powered-lift aircraft are currently being considered by various industry and government groups, and an application for civil certification of one of the designs has recently been received by the FAA. In that regard, the FAA is seeking the identification and discussion of certification issues that could arise as a result of the development of such a design.

Interested persons are invited to identify issues for civil certification of a powered-lift aircraft. Issues received by May 1, 1987, will be used to establish a conference agenda.

Issued in Fort Worth, Texas, on January 16, 1987.

Don P. Watson,

Acting Director, Southwest Region.

[FR Doc. 87–1903 Filed 1–30–87; 8:45 am]

BILLING CODE 4910–13–M

Lebanon Municipal Airport, Lebanon, NH; FAA Approval of Noise Compatibility Program

AGENCY: Federal Aviation Administration, DOT.

ACTION: The Federal Aviation Administration (FAA) announces its findings on the noise compatibility program submitted by the City of Lebanon, New Hampshire, under the provisions of Title I of the Aviation Safety and Noise Abatement Act (ASNA) of 1979 (Pub. L. 96–193) and 14 CFR Part 150. The findings are made in recognition of the description of Federal and non-federal responsibilities in Senate Report No. 96–52 (1980). On March 7, 1986, the FAA determined that the noise exposure maps, submitted by the City of Lebanon under Part 150, were in compliance with applicable requirements. On September 2, 1986, the Administrator approval the Lebanon Municipal Airport noise compatibility program. All of the recommendations of the program were approved.

EFFECTIVE DATE: The effective date of the FAA's approval of the Lebanon Municipal Airport noise compatibility program is September 2, 1986. .

FOR FURTHER INFORMATION CONTACT: M. Ashraf Jan, Federal Aviation

Administration, New England Region, Airports Division, ANE–610, 12 New England Executive Park, Burlington, Massachusetts 01803, Telephone (617) 273–7060.

Documents reflecting this FAA action may be obtained from the same individual.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA has given its overall approval to the noise compatibility program for Lebanon Municipal Airport, effective September 2, 1986.

Under section 104(a) of the Aviation Safety and Noise Abatement Act (ASNA) of 1979, an airport operator who has previously submitted a noice exposure map may submit to the FAA a noise compatibility program which sets forth the measures taken or proposed by the airport operator for the reduction of existing noncompatible land uses and prevention of additional noncompatible land uses within the area covered by the noice exposure maps. The Act requires such programs to be developed in consultation with interested and affected parties including local communities, government agencies, airport users, and FAA personnel.

Each airport noise compatibility program development in accordance with FAR Part 150 is a local program, not a Federal program. The FAA does not substitute its judgement for that of the airport proprietor with respect to which measures should be recommended for action. The FAA's approval or disapproval of FAR Part 150 program recommendations is measured according to the standards expressed in Part 150 and the Aviation Safety and Noise Abatement Act of 1979, and is limited to the following determinations:

The noise compatibility program was developed in accordance with the provisions and procedures of FAR Part 150;

Program measures are reasonably consistent with achieving the goals of reducing existing noncompatible land uses around the airport and preventing the introduction of additional noncompatible land uses;

Program measures would not create an undue burden on interstate or foreign commerce, unjustly discriminate against types or classes of aeronautical uses, violate the terms of airport grant agreements, or intrude into areas preempted by the Federal Government; and

Program measures relating to the use of flight procedures can be implemented within the period covered by the program without derogating safety, adversely affecting the efficient use and management of the Navigable Airspace and Air Traffic Control Systems, or adversely affecting other powers and responsibilities of the Administrator as prescribed by law.

Specific limitations with respect to FAA's approval of an airport noise compatibility program are delineated in FAR Part 150, § 150.5. Approval is not a determination concerning the acceptability of land uses under Federal, state, or local law. Approval does not by itself constitute an FAA implementing action. A request for Federal action or approval to implement specific noise compatibility measures may be required, and an FAA decision on the request may require an environmental assessment of the proposed action. Approval does not constitute a commitment by the FAA to financially assist in the implementation of the program nor a determination that all measures covered by the program are eligible for grant-in-aid funding from the FAA under the Airport and Airway Improvement Act of 1982. Where Federal funding is sought, requests for project grants must be submitted to the FAA Regional Office in Burlington, Massachusetts.

The City of Lebanon submitted to the FAA, on February 28, 1986, the noise exposure maps, descriptions, and other documentation produced during the noise compatibility planning study conducted form October 1984 through November 1985. The Lebanon Municipal Airport noise exposure maps were determined by FAA to be in compliance with applicable requirements on March 7, 1986. Notice of this determination was published in the **Federal Register** on March 17, 1986.

The Lebanon Municipal Airport study contains a proposed noise compatibility program comprised of actions designed for phased implementation by airport management and adjacent jurisdictions from the date of study completion to beyond the year 1990. It was requested that the FAA evaluate and approve this material as a noise compatibility program as described in section 104(b) of the Act. The FAA began its review of the program on March 7, 1986, and was required by a provision of the Act to approve or disapprove the program within 180 days (other than the use of new flight procedures for noise control). Failure to approve or disapprove such program within the 180 day period shall be deemed to be an approval of such program.

The submitted program contained seven proposed actions for noise mitigation on and off the airport. The FAA completed its review and determined that the procedural and substantive requirements of the Act and FAR Part 150 have been satisfied. The overall program, therefore, was approved by the Administrator effective September 2, 1986.

Outright approval was granted for all the seven specific program elements. The overall program has two components: (a) Airport Operations related measures, including airport physical changes; airport management measures; and airport and airspace procedural changes, and (b) Land Use control measures to reduce and prevent land use incompatibilities. Airport Operations related measures include: Clear Zone acquisition and tree clearance in Runway 36 approach to remove the present threshold restriction for landing on Runway 36, enable departure of high performance aircraft on Runway 18, and prevent development of incompatible uses to the south of the Airport; informal preferential runway use program to minimize noise exposure in populated areas; aircraft noise monitoring program; controlling engine maintenance runups; developing informal noise abatement procedures using the NBAA flight procedures; and extending the taxiway parallel to Runway 7–25 to facilitate the use of Runway 25 for preferential departures. Through the Land Use control measure a special aircraft noise exposure zoning district will be defined that will include all land within the Ldn 55 dB contour. This will be an overlay district containing requirements aimed at land use compatibility, that are to be in addition to restrictions present in the conventional underlying districts.

These determinations are set forth in detail in a Record of Approval endorsed by the Administrator on September 2, 1986. The Record of Approval, as well as other evaluation materials and the documents comprising the submittal, are available for review at the FAA office listed above and at the City Manager's Office, City of Lebanon, New Hampshire.

Issued in Burlington, Massachusetts, on January 15, 1987.

Clyde DeHart, Jr.,

Acting Director, New England Region.

[FR Doc. 87–1900 Filed 1–30–87; 8:45 am]

BILLING CODE 4910–13–M

William B. Hartsfield Atlanta International Airport, Atlanta, GA; Receipt of Revised Noise Compatibility Program and Request for Review

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces that it is reviewing a revised Noise

Compatibility Program (NCP) submitted by William B. Hartsfield Atlanta International Airport (ATL) under the provisions of Title I of the Aviation Safety and Noise Abatement Act of 1979 (Pub. L. 96–193) and 14 CFR Part 150 and that this revised program will be approved or disapproved on or before July 13, 1987.

EFFECTIVE DATE: The effective date of the start of FAA's review of the revised Noise Compatibility Program is January 14, 1987. The public comment period ends February 27, 1987.

FOR FURTHER INFORMATION CONTACT: Charles Prouty, Civil Engineer, Atlanta Airports District Office, Suite 310, 3420 Norman Berry Drive, Atlanta, Georgia 30354, telephone (404) 763–7631. Comments on the revised Noise Compatibility Program should also be submitted to that office.

SUPPLEMENTARY INFORMATION: The FAA determined that the Noise Exposure Maps for ATL were in compliance on October 16, 1984, and approved the initial NCP on April 10, 1985. This notice announces the availability of the revised NCP for public review and comment.

Under section 103 of Title I of the Aviation Safety and Noise Abatement Act of 1979 (hereinafter referred to as "the Act"), an airport operator may submit to the FAA a Noise Exposure Map which meets applicable regulations and which depicts noncompatible land uses as of the date of submission of such map, a description of projected aircraft operations, and the ways in which such operations will affect such map. The Act requires such maps to be developed in consultation with interested and affected parties in the local community, government agencies and persons using the airport.

An airport operator who has submitted a Noise Exposure Map that is accepted by FAA as meeting Federal Aviation Regulation Part 150, promulgated pursuant to Title I of the Act, may submit a Noise Compatibility Program for FAA approval which sets forth the measures the operator has taken or proposes for the reduction of existing noncompatible uses and for the prevention of the introduction of additional noncompatible uses.

ATL submitted to the FAA on June 19, 1984, Noise Exposure Maps, descriptions and other documentation which were produced during the Airport Noise Exposure Maps and Noise Compatibility Program (Part 150) study conducted at ATL from 1982 to 1984. It was requested that the FAA accept this material as a Noise Exposure Map as described in section 103(a)(1) of the Act, and that the noise mitigation measures, to be implemented jointly by the airport and surrounding communities, be approved as a Noise Compatibility Program under section 104(b) of the Act.

The FAA has completed its review of the Noise Exposure Maps and related descriptions submitted by ATL. The specific maps under consideration are depicted in Map I, 1982, and Map II, 1985, in the final report of the Part 150 study. The FAA accepted these materials as the Noise Exposure Maps for ATL on October 16, 1984.

FAA's acceptance of an airport operator's Noise Exposure Map is limited to the determination that the map was developed in accordance with the procedures contained in Appendix A of FAR Part 150. Such acceptance does not constitute approval of the applicant's data, information or plans, or a commitment to approve a Noise Compatibility Program or to fund the implementation of that program.

If questions arise concerning the precise relationship of specific properties to noise exposure contours depicted on a Noise Exposure Map submitted under section 103 of the Act, it should be noted that the FAA is not involved in any way in determining the relative locations of specific properties with regard to the depicted noise contours, or in interpreting the Noise Exposure Map to resolve questions concerning, for example, which properties should be covered by the provisions of section 107 of the Act.

These functions are inseparable from the ultimate land use control and planning responsibilities of local government. These local responsibilities are not changed in any way under Part 150 or through FAA's acceptance of Noise Exposure Maps. Therefore, the responsibility for the detailed overlaying of noise exposure contours onto the map depicting properties on the surface rests exclusively with the airport operator which submitted those maps, or with these public agencies and planning agencies with which consultation is required under section 103 of the Act. The FAA has relied on the certification by the airport operator, under § 150.21 of FAR Part 150, that the statutorily required consultation has been accomplished.

Upon acceptance of the Noise Exposure Maps, the FAA received the initial Noise Compatibility Program for ATL on October 16, 1984. It was approved on April 10, 1985.

On December 4, 1986, the FAA received the revised Noise Compatibility Program.

Preliminary review of the submitted material indicates that it conforms to the requirements for the submittal of revised Noise Compatibility Programs but that further review will be necessary prior to approval or disapproval of the program. The formal review period, limited by law to a maximum of 180 days, will be completed on or before July 13, 1987.

The FAA's detailed evaluation will be conducted under the provisions of 14 CFR Part 150, § 150.33. The primary considerations in the evaluation process are whether the proposed measures may reduce the level of aviation safety, create an undue burden on interstate or foreign commerce, or be reasonably consistent with obtaining the goal of reducing existing noncompatible land uses.

The revisions to the NCP which are under consideration are as follows:

Land Use Measure #2, "Purchase/Guarantee," has been revised to "Property Interest/Acoustical Treatment/Transaction Assistance Program."

The intended objective of the Purchase Guarantee Program was to assure the homeowner that he or she would be able to sell a single-family home located in a noise impacted area. Only owner-occupied, single-family residential units would be purchased from willing sellers during the initial 6-year program. After appropriate soundproofing measures were taken, the Airport would resell each home with retention of an avigation easement. The proceeds from the resale would help offset the initial acquisition/relocation costs and would be reapplied to the program. This program would allow people to move out while still preserving the area as a residential neighborhood. This measure was primarily applied to those areas within the 75 Ldn.

The Property Interest Rights/Acoustical Treatment/Transaction Assistance Program meets the objectives of the Purchases Guarantee Program in that families desiring to sell and relocate can do so with assurance that the Airport Sponsor will participate in the cost of marketing and selling the property. Eligibility for transaction assistance benefits are influenced by the time period a property owner moved into the community; however, all property owners are entitled to the Property Interest Rights/Acoustical Treatment Program regardless of their decision to relocate or when they purchased their home.

Land Use Measure #3, "Soundproofing/Easement," has been revised to "Property Interest Rights/Acoustical Treatment."

Under this revision, the Airport Sponsor proposes to absorb the total cost to acoustically treat the owner-

occupied houses in the 70–75 Ldn noise contour. In the original NCP, the cost to soundproof was a shared expense between the homeowner and the airport. The NCP now more fully compensates the homeowners and represents a more attainable program.

Land Use Measure #4, "Private Sector Development."

The original objective under the Private Sector Development Program was to encourage land use conversion from incompatible to compatible use by private developers with no direct involvement by the Airport Sponsor. Under the revised program, it is anticipated a developer will acquire and clear properties in a designated area while the sponsor will pay net cost and retain property interest rights over the land. Net cost is fair market purchase price for residential property less its appraised value as development property.

Interested persons are invited to comment on the revised program with specific reference to these factors. All comments, other than these properly addressed to local land use authorities, will be considered by the FAA to the extent practicable. Copies of the accepted Noise Exposure Maps, the FAA's evaluation of the maps, and the revised Noise Compatibility Program are available for examination at the following locations:

Federal Aviation Administration, National Headquarters, 800 Independence Avenue SW., Room 615, Washington, DC

Federal Aviation Administration, Airports District Office, 3420 Norman Berry Drive, Suite 310, Atlanta, Georgia 30354

William B. Hartsfield Atlanta International Airport, Office of Commissioner of Aviation, Atlanta, Georgia 30320.

Questions may be directed to the individual named above under the heading, **"FOR FURTHER INFORMATION CONTACT."**

Issued in East Point, Georgia, January 14, 1987.

Robert E. Harris,

Assistnt Manager, Atlanta Airports District Office, Southern Region.

[FR Doc. 87–1901 Filed 1–30–87; 8:45 am]

BILLING CODE 4910–13–M

Airway Science Grants

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of Solicitation for Airway Science Grant Proposals.

SUMMARY: The Federal Aviation Administration (FAA) is authorized by Pub. L. 99–591 to solicit competitive proposals for Airway Science (AWS) grants from accredited 4-year public or nonprofit private colleges and universities with recognized FAA Airway Science Curriculum programs. The FAA expects to award most, if not all, of an available $5,000,000 in the form of grants, to a small, select number of these institutions of higher learning.

The grant awards are available for the purchase, lease, or construction of buildings and associated facilities to be used in conjunction with an FAA recognized AWS curriculum. In addition, funds may be used for nonexpendable instructional materials or instructional equipment to be used in the actual teaching of the AWS curriculum. No Federal grant funds are to be used for salaries, operating expenses, research and development, travel, consultant fees, indirect costs, office supplies, automobiles, aircraft, maintenance agreements, air traffic control towers, or printing costs.

FOR FURTHER INFORMATION CONTACT: Virginia Hancock Krohn, Airway Science Grant Manager, Federal Aviation Administration, APT–200, Room 524, 800 Independence Avenue SW., Washington, DC 20591, telephone: (202) 267–8003; or Rita Morgan, Airway Science Grant Assistant, Federal Aviation Administration, APT–200, Room 524, 800 Independence Avenue SW., Washington, DC 20591, telephone: (202) 267–8042.

Closing Deadline: The original and five copies of the proposal from an interested institution must be submitted to the FAA by either mail or hand delivery, no later than May 29, 1987 (4:30 p.m. EST).

Proposals Submitted by Mail: A proposal submitted by mail must be addressed to: Federal Aviation Administration, Airway Science Grant Manager, APT–200, Room 524, 800 Independence Avenue SW., Washington, DC 20591.

An applicant is encouraged to use registered or, at least, first class mail. Any grant applications received by the FAA after the closing date of May 29, 1987, 4:30 p.m. EST will be treated as a late application and not considered for award of a grant. Each late grant applicant will be notified if its application was received late.

Proposals Submitted by Hand Carried Messengers: A proposal that is hand delivered must be taken to the Federal Aviation Administration, Office of the AWS Grant Manager, Room 524, 800 Independence Avenue SW., Washington, DC 20591. The Office of the AWS Grant Manager will accept hand delivered proposals between the hours of 8:30 a.m. and 4:30 p.m. (EST), daily except Saturdays, Sundays, and Federal holidays. A proposal that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

No supplemental materials received after the application deadline date will be considered unless such material is specifically solicited by the AWS Grant Manager. Questions regarding grants management requirements should be referred to the AWS Grant Manager.

Background

The FAA is engaged in a comprehensive program to modernize the Nation's airway system to meet the challenge of aviation growth in the coming decades. The modernization program is reflected in the agency's National Airspace System plan which takes advantage of current technological advances to increase the capacity and efficiency of the Nation's airspace system while reducing relative costs to the Nation's taxpayers.

The FAA recognizes the increasing complexity of technical and managerial skills that will be needed to accommodate the technological advances in equipment, systems and configurations being planned and implemented in the aviation industry. The FAA decision to sponsor an AWS curriculum was a direct result of an FAA assessment of the human resources needed to realize the full benefits of the forthcoming airspace and airway system modernization.

Beginning in 1982, in collaboration with the University Aviation Association, the FAA developed and recommended a specific college-level airway science curriculum. The airway science curriculum was designed to satisfy university academic and accreditation requirements, be easily adaptable to existing aviation-related programs, and yet allow individual educational institutions the option of offering any number of the five areas of concentration according to their individual resources. (48 FR 32490, July 15, 1983.)

The five areas of concentration are: (1) Airway Science Management, (2) Airway Computer Science, (3) Aircraft Systems Management, (4) Airway Electronics Systems, and (5) Aviation Maintenance Management. Graduates of educational institutions offering FAA recognized airway science programs are eligible for recruitment by the FAA in one of four agency career fields: air traffic control, electronics technology,

aviation safety inspection (general aviation operations and maintenance), and computer sciences.

The FAA has recognized 29 institutions with one or more airway science areas of concentration. Their curricula directly support FAA's human resource needs by producing graduates with the necessary knowledge and skills to pursue aviation-related technical careers in the public and private sectors.

References

Those parties interested in the FAA's previous AWS activities may refer to the following **Federal Register** Notices: 48 FR 11672, March 18, 1983 (FAA proposed Airway Science curriculum demonstration project plan); 48 FR 32490, July 15, 1983 (Office of Personnel Management approval of the FAA demonstration project final plan); 49 FR 22903, June 1, 1984 (a notice that announced the first competitive criteria initially employed by the FAA in selecting its first AWS grant recipient); and 50 FR 37612, September 16, 1985 (a notice that announced the competitive criteria employed by the FAA in selecting the most recent AWS grant recipients).

The Airway Science Grant

Authority: This solicitation represents a continuation of the FAA's Airway Science Grant Program. This program funds projects at selected institutions of higher learning which have evidenced a commitment to the agency's AWS curriculum program. These grants are authorized by Pub. L. 99–591. An amount of $5,000,000 is available for grant awards for the purchase, lease, or construction of buildings and associated facilities, instructional materials or equipment to be used in conjunction with AWS curricula. Monies are not available for salaries, operating expenses, research and development, travel, consultant fees, indirect costs, office supplies, automobiles, maintenance agreements, air traffic control towers, or printing costs.

Eligibility: Eligible institutions must be accredited 4-year public and non-profit colleges or universities in the United States and its possessions. To be eligible an applicant institution must have an established FAA recognized AWS curriculum in place and available to students. The curriculum must have been recognized by the Federal Aviation Administrator no later than December 31, 1986.

Proposal Format and Content

Each AWS grant proposal is subject to the provisions of applicable FAA regulations and OMB Circulars A–21, A–73, A–88, and A–110. Proposals should contain the following information in the order listed:

1. *Cover Sheet.* Near the top of the Cover Sheet, type the title "Airway Science Grant Proposal." The legal name of the proposed grantee institution, its mailing address, and Employer Identification Number, as assigned by the Internal Revenue Service, should be centered on the Cover Sheet. The names, titles, and telephone numbers of the proposed Project Director and of an official authorized to sign for the proposed grantee institution should be typed on the lower left and right corners, respectively, of the Cover Sheet. The Cover Sheet of one copy of the proposal must bear the original signature and date of each of the above individuals. The signature of the authorized official signifies institutional endorsement of the proposal, cognizance of the eligibility and limitation requirements and a commitment to provide the specific support for the proposed activities in the event the grant is made.

2. *Standard Form 424.* Applicants must submit Standard Form 424, Application for Federal Assistance, with the grant proposal. This form may be obtained by writing to the AWS Grant Manager at the address listed above.

3. *Project Summary.* A concise summary of the proposed project, including a statement of the goals and objectives, the plan to achieve these goals and objectives and the long-term benefits of the project to the institutional and national AWS programs is required. The summary should not exceed two (2) double-spaced typewritten pages, and should be written so that individuals in the aviation community can understand the basis for the use of Federal funds to support the proposed project.

4. *Budget plan.* The proposal must contain a Budget Plan that includes a detailed itemization of proposed expenditures according to the following categories:

(a) Facilities
(b) Equipment
(c) Materials
(d) Publications
(e) *Travel
(f) *Consultant services
(g) *Other direct costs
(h) *Indirect costs

(*The above costs must be set forth even though they are not subject to Federal funding under the grant.)

FAA grant funds may only be dedicated to categories a, b, c, and d. Each line item within each of the above categories must show the allocations of expenditures between the FAA grant funds and institutional funds and/or equivalent support services. The Budget Plan must also include a description of each line item listed in each of the above categories.

5. *Narrative.* The proposal Narrative should be clearly written and not exceed forty (40) double-spaced typewritten pages in length. The Narrative should contain the following:

(a) Introduction—The introduction should present a brief description of the institution including historical background, full-time graduate and undergraduate student enrollment, student body profile, location (rural, urban, etc.), fields of emphasis and degrees awarded.

(b) Background—The Narrative should provide a description of the institution's current programs in mathematics, science and engineering, computer sciences, management and the aviation sciences. The description should characterize these programs according to: the number of full-time faculty, total student enrollment, the number of majors by discipline, undergraduate degrees awarded during the 1985–1986 academic year, average faculty salaries, and the avarage teaching loads (in semester or quarter hours).

(c) The Existing AWS Program—The Narrative should include a description of the current AWS program. Discuss the relationship of the proposed project to the goals and objectives of the overall AWS program at the institution. Assess the impact of the project upon other AWS program activities. Information should be provided on the number of full-time and part-time faculty, average salaries, the total student enrollment in the AWS program, the number of AWS majors by AWS concentration area, the number of AWS degrees awarded, and projections of student enrollment and expected degrees to be conferred over the next 5 years. Describe institutional plans to attract students to the AWS program.

An institution must enclose, with the proposal, a copy of the official course catalog and/or other brochure(s) showing the AWS course offerings to students during the 1986–1987 academic year.

(d) Institutional Needs in Airway Science—The Narrative should identify and discuss the institution's needs for funds, faculty, facilities and other resources in terms of the institution's goals and objectives for the AWS curriculum. The role of the proposed project should be discussed in this context.

(e) Project Plan—A Project Plan should be prepared that sets forth the goals and objectives of the proposed project and the various activities and tasks necessary to bring the project to a successful conclusion. The plan should include time schedules for performance with appropriate milestones relating to the conduct of the project. The Plan should describe the mechanisms that will be used to manage and monitor the progress of the project. Anticipated progress reports, advisory committee meetings and similar events should be described.

(f) Project Personnel—Identify and describe the relevant skills of those individuals who will have major AWS program responsibilities. A Curriculum Vitae should be appended to the proposal for each individual who has a significant AWS program administrative and/or teaching responsibility. The amount of time each such person will be required to devote to the program must be stated.

The role of the AWS Program Director is particularly critical. The proposal must provide information indicating that the Program Director has well-defined responsibilities and sufficient time and adequate academic and institutional authority and support to effectively manage the program.

(g) Evaluation Plan—As part of the Narrative, a project Evaluation Plan should be outlined. The purpose of the Evaluation Plan, when completed at the close of the project, is to permit FAA officials and other educational and aviation specialists to assess whether the objectives of the project have been achieved and assess the impact of the project upon the AWS program at the grantee institution. The completed Evaluation Plan should give attention to the enhanced skills and subsequent occupational marketability of those AWS students who have benefited from the project. The Evaluation Plan may be prepared entirely by institutional staff or in collaboration with outside consultants. The results of the completed evaluation are to be included in the Final Project Report. The FAA anticipates that FAA representatives will make site visits to each grantee institution during the lifetime of the project.

(h) Equipment and Facilities—The Narrative should present a detailed discussion of the Facilities, Equipment, and Materials for which grant award funds are proposed to be spent. This must include a statement explaining the need for the item, the tentative source, and the time table and method (lease, lease to purchase, lease with the option to purchase, purchase or construction) for acquisition. Applicants may submit photographs, architectural drawings, site plans or other visual representations that would aid the reviewing panel in assessing the relative merits of the proposed facilities. *The institution must include a detailed description of how the specific items directly support its AWS curriculum.* Example: Discussion of which AWS courses will utilize the specific facilities and equipment.

Reporting Requirements

Until the proposed project is completed, the FAA requires that each award institution prepare an Annual Project Report, not to exceed twenty (20) double-spaced typewritten pages in length. The Annual Project Report shall be submitted to the FAA AWS Grant Manager within 90 days of the close of each fiscal year by the award institution. The Report should include a summary of project progress, highlights and accomplishments, personnel changes and a status report on expenditures and account balances for each of the line items presented in the proposed Budget Plan.

In addition, a Final Project Report shall be prepared and sent to the FAA AWS Grant Manager within 90 days of project completion. The Final Project Report should include summaries of project activities, accomplishments and Budget Plan expenditures. The Report must contain the completed Evaluation Plan described above. "Project completion" will be determined by the FAA in terms of the proposed project goals and objectives and will occur after the principal project objectives have been achieved and the awarded funds have been expended.

Local Review Statement

The proposal must have appended to it a statement, signed by the Chief Executive Officer of the institution, that contains: (a) An endorsement of the proposed project; (b) a description of how the proposed project supports the larger institutional goals and objectives in AWS; and (c) a commitment to provide the institutional resources necessary to complete the proposed project and continuing support for the AWS program after the grant award funds have been expended.

Proposal Review

Proposals will be reviewed, evaluated and ranked on the basis of merit by a panel of educational and aviation specialists from the public and private sectors, including academia, private industry and/or the Federal Government.

The awards typically will range from $100,000 to $1,000,000 maximum. The FAA does not intend to fund all proposed projects or necessarily all components of a proposal selected for award. The agency expects to distribute most, if not all of the $5,000,000 available.

Evaluation Criteria.

Evaluation criteria are designed to enable the reviewing panel and FAA officials to effectively evaluate the relative merit of proposals submitted in response to this solictation. Each reviewer will evaluate the proposals based on the following factors listed below and rate each proposal on a 100-point numerical scale. The evaluation criteria are the following:

1. *Institutional Impact.* Each proposal will be evaluated to determine the extent to which the proposing institution has demonstrated:

(a) The need for funding of its AWS program in terms of the AWS program goals and objectives;

(b) The role grant funding will play in achieving these goals and objectives;

(c) The impact the grant funding will have upon the existing AWS program;

(d) The expected benefits that will accrue to the institution and its AWS students; and

(e) The consequences to the AWS program if the project is not funded. The proposal should identify the ways in which the proposed project will support the overall institutional goals and objectives in related disciplines such as mathematics, science and engineering, management and the computer sciences. (15 points maximum)

(2) *Institutional Commitment.* Each proposal will be evaluated as to the extent of the institution's commitment to the AWS Program. This includes consideration of the following: (a) Number of recognized AWS curriculum options and number of students enrolled; (b) the amount of institutional funds, facilities and other collateral resources provided toward the support of the proposed grant project; and (c) the continued support and growth of the institutional AWS program, including the beneficial impact of the proposed project after the grant funds are expended. In addition, the Local Review Statement from the Chief Executive Officer of the institution will be considered in determining how the proposed project will assist the institution in attaining the goal of establishing a quality AWS program. (20 points maximum)

3. *Project Plan Quality.* The Project Plan for each proposed AWS project

will be evaluated in regard to the following characteristics:

(a) The relationship between the goals and objectives of the proposed project and those of the other AWS programs of the institution;

(b) The adequacy of the institutional resources for achieving the goals and objectives of the proposed project;

(c) The effectiveness of the proposed mechanisms for the management and coordination of the faculty, administrative, facility and other institutional resources in achieving the goals and objectives of the proposed project;

(d) Project management mechanisms that provide for the effective administration and technical direction of the project, including the establishment of specific project goals and objectives, time-tables for performance and milestones that permit monitoring of the progress of the project and the measurement of its overall effectiveness;

(e) A budget Plan that sufficiently details proposed expenditures by budget category and line item and shows the allocation between grant funds and institutional funds and/or equivalent support services. The budget figures should be appropriate for the goods and services being procured and consistent with the project narrative presented elsewhere in the Project Plan;

(f) Adequate institutional budgeting and other fiscal controls that allow for periodic review of resource commitments and determinations that expenditures are in accordance with the Project Plan; and

(g) The identification of significant educational, technical and administrative innovations that would further the attainment of the institutional and national goals and objectives for the AWS programs. (30 points maximum)

4. *Qualifications of Key Personnel.* The reviewing panel will evaluate the professional qualifications and experience of the institution's present AWS personel and other key individuals who would be involved in the proposed AWS project, with particular attention being given to the AWS Program Director. The relationship of the qualifications and past experience of these individuals to the goals and objectives of the project will be considered. (10 points maximum)

5. *Expected Benefits.* The benefits of the proposed project to both the institutional and national AWS programs will be evaluated. The reviewers will consider: (a) The long-term benefits to the institution, including the AWS students, faculty, facilities and curriculum development efforts; (b) the applicability and usefulness of educational, technical and administrative innovations to AWS programs at other institutions and in other instructional and occupational environments; (c) the benefit to future employers of AWS program graduates, including academia, private industry and Federal, State and Local governments; and (d) projections of the number of AWS program graduates over the next five years, in each of the concentration areas of the FAA AWS curriculum. (15 points maximum)

6. Evaluation Plan. The reviewing panel will consider the adequacy of the proposed Evaluation Plan in assessing project performance and the impact of the project upon the existing institutional AWS and the quality of graduating AWS students. (10 points maximum)

Award Date

The FAA expects to announce who the institutional recipients of the AWS grant awards are during the summer of 1987.

E.V. Curran,

Director of Personnel and Technical Training.

Issued in Washington, DC., on January 22, 1987.

[FR Doc. 87-1904 Filed 1-30-87; 8:45 am]

BILLING CODE 4910-13-M

Radio Technical Commission for Aeronautics (RTCA); Special Committee 151; Minimum Operational Performance; Standards for Airborne MLS Area Navigational Equipment; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Special Committee 151 on Minimum Operational Performance Standards for Airborne MLS Area Navigational Equipment to be held on February 18-20, 1987, in the RTCA Conference Room, One McPherson Square, 1425 K Street, NW., Suite 500, Washington, DC, commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of the Minutes of the Fourteenth Meeting; (3) Review and Discuss SC-137 and EUROCAE WG-27 Activities; (4) Technical Presentations; (5) Working Group Reports; (6) Review of the Ninth Draft MOPS; (7) Working Group Sessions; (8) Plenary to Review Working Group Progress and Task Assignments; (9) Other Business; and (10) Date and Place of Next Meeting.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, One McPherson Square, 1425 K Street, NW., Suite 500, Washington, DC 20005; (202) 682-0266. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on January 21, 1987.

Wendie F. Chapman,

Designated Officer.

[FR Doc. 87-1909 Filed 1-30-87; 8:45 am]

BILLING CODE 4910-13-M

Airspeed Instruments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of availability of technical standard order (TSO) and request for comments.

SUMMARY: The proposed TSO-C2d prescribes the minimum performance standards that airspeed instruments must meet to be identified with the marking "TSO-C2d."

DATE: Comments must identify the TSO file number and be received on or before May 8, 1987.

ADDRESS: Send all comments on the proposed technical standard order to: Technical Analysis Branch, AWS-120, Aircraft Engineering Division, Office of Airworthiness—File No. TSO-C2d, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

Or Deliver Comments to: Federal Aviation Administration, Room 335, 800 Independence Avenue, SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: Ms. Bobbie J. Smith, Technical Analysis Branch, AWS-120, Aircraft Engineering Division, Office of Airworthiness, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, Telephone (202) 267-9570.

Comments received on the proposed technical standard order may be examined, before and after the comment closing date, in Room 335, FAA Headquarters Building (FOB-10A), 800 Independence Avenue, SW., Washington, DC 20591, weekdays except Federal holidays, between 8:30 a.m. and 4:30 p.m.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to comment on the proposed TSC listed in this notice by submitting such written data, views, or arguments as they desire to the above specified address. All communications received on or before the closing date for comments specified above will be considered by the Director of Airworthiness before issuing the final TSO.

Background

Proposed TSO–C2d will include revised Marking and Data Requirements for airspeed instruments. Also, the proposed TSO incorporates Radio Technical Commission for Aeronautics (RTCA) Document Nos. DO–160B, "Environmental Conditions and Test Procedures for Airborne Equipment," dated July 1984, for the environmental standards, and DO–178A, "Software Consideration in Airborne Systems and Equipment Certification" dated March 1985, for the computer software requirements.

How to Obtain Copies

A copy of the proposed TSO–C2d may be obtained by contacting the person under "For Further Information Contact." TSO–C2d references SAE AS 8019, dated March 30, 1981, for the minimum performance standards, RTCA/DO–160B for the environmental standard, and RTCA/DO–178A for the computer software requirements. SAE AS 8019 may be purchased from the Society of Automotive Engineers, Inc., 400 Commonwealth Drive, Warrendale, PA 15096. RTCA/DO–160B and DO–178A may be purchased from the Radio Technical Commission for Aeronautics Secretariat, One McPherson Square, Suite 500, 1425 K Street, NW., Washington, DC 20005.

Issued in Washington, DC, January 22, 1987.

Thomas E. McSweeny,

Manager, Aircraft Engineering Division, Office of Airworthiness.

[FR Doc. 87–1910 Filed 1–30–87; 8:45 am]

BILLING CODE 4910–13–M

Turn and Slip Instrument

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of availability of technical standard order (TSO) and request for comments.

SUMMARY: The propsoed TSO–C3d prescribes the minimum performance standards that turn and slip instruments must meet to be identified with the marking "TSO–C3d."

DATE: Comments must identify the TSO file number and be received on or before May 8, 1987.

ADDRESS: Send all comments on the proposed technical standard order to:

Technical Analysis Branch, AWS–120, Aircraft Engineering Division, Office of Airworthiness—File No. TSO–C3d, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591

Or deliver comments to:

Federal Aviation Administration, Room 335, 800 Independence Avenue, SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: Ms. Bobbie J. Smith, Technical Analysis Branch, AWSD–120, Aircraft Engineering Division, Office of Airworthiness, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, Telephone (202) 267–9570.

Comments received on the proposed technical standard order may be examined, before and after the comment closing date, in Room 335, FAA Headquarters Building (FOB–10A), 800 Independence Avenue, SW., Washington, DC 20591, weekdays except Federal holidays, between 8:30 a.m. and 4:30 p.m.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to comment on the proposed TSO listed in this notice by submitting such written data, views, or arguments as they desire to the above specified address. All communications received on or before the closing date for comments specified above will be considered by the Director of Airworthiness before issuing the final TSO.

Background

Proposed TSO–C3d will include revised Marking and Data Requirements for turn and slip instruments. Also, the proposed TSO incorporates Radio Technical Commission for Aeronautics (RTCA) Documents Nos. DO–160B, "Environmental Conditions and Test Procedures for Airborne Equipment," dated July 1984, for the environmental standards, and DO–178A, "Software Consideration in Airborne Systems and Equipment Certification," dated March 1985, for the computer software requirements.

How to Obtain Copies

A copy of the proposed TSO–C3d may be obtained by contacting the person under **"FOR FURTHER INFORMATION CONTACT."** TSO–C3d references SAE AS 8004, dated September 1975, for the minimum performance standards, RTCA/DO–160B for the environmental standard, and RTCA/DO–178A for the computer software requirements. SAE AS 8004 may be purchased from the Society of Automotive Engineers, Inc., 400 Commonwealth Drive, Warrendale, PA 15096. RTCA/DO–160B and DO–178A may be purchased from the Radio Technical Commission for Aeronautics Secretariat, One McPherson Square, Suite 500, 1425 K Street, NW., Washington, DC 20005.

Issued in Washington, DC, January 22, 1987.

Thomas E. McSweeny,

Manager, Aircraft Engineering Division, Office of Airworthiness.

[FR Doc. 87–1911 Filed 1–30–87; 8:45 am]

BILLING CODE 4910–13–M

Direction Instrument, Magnetic (Gyroscopically Stabilized)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of availability of technical standard order (TSO) and request for comments.

SUMMARY: The proposed TSO–C6d prescribes the minimum performance standards that direction instrument, magnetic (gyroscopically stabilized) must meet to be identified with the marking "TSO–C6d."

DATE: Comments must identify the TSO file number and be received on or before May 8, 1987.

ADDRESS: Send all comments on the proposed technical standard order to:

Technical Analysis Branch, AWS–120, Aircraft Engineering Division, Office of Airworthiness—File No. TSO–C6d, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591

Or deliver comments to:

Federal Aviation Administration, Room 335, 800 Independence Avenue, SW., Washington, DC 20591

FOR FURTHER INFORMATION CONTACT: Ms. Bobbie J. Smith, Technical Analysis Branch, AWS–120, Aircraft Engineering Division, Office of Airworthiness, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, Telephone (202) 267–9546.

Comments received on the proposed technical standard order may be examined, before and after the comment closing date, in Room 335, FAA Headquarters Building (FOB–10A), 800 Independence Avenue, SW., Washington, DC 20591, weekdays

except Federal holidays, between 8:30 a.m. and 4:30 p.m.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to comment on the proposed TSO listed in this notice by submitting such written data, views, or arguments as they desire to the above specified address. All communications received on or before the closing date for comments specified above will be considered by the Director of Airworthiness before issuing the final TSO.

Background

Proposed TSO–C6d will include revised Marketing and Data Requirements for magnetic (gyroscopically stabilized) direction instruments. Also, the proposed TSO incorporates Radio Technical Commission for Aeronautics (RTCA) Document Nos. DO–160B, "Environmental Conditions and Test Procedures for Airborne Equipment," dated July 1984, for the environmental standards, and DO–178A, "Software Consideration in Airborne Systems and Equipment Certification," dated March 1985, for the computer software requirements.

How To Obtain Copies

A copy of the proposed TSO–C6d may be obtained by contacting the person under "For Further Information Contact." TSO–C6d references SAE AS 8013, dated June 1983, for the minimum performance standards, RTCA/DO–160B for the environmental standard, and RTCA/DO–178A for the computer software requirements. SAE AS 8013 may be purchased from the Society of Automotive Engineers, Inc., 400 Commonwealth Drive, Warrendale, PA 15096. RTCA/DO–160B and DO–178A may be purchased from the Radio Technical Commission for Aeronautics Secretariat, One McPherson Square, Suite 500, 1425 K Street, NW., Washington, DC 20005.

Issued in Washington, DC, on January 22, 1987.

Thomas E. McSweeny,

Manager, Aircraft Engineering Division, Office of Airworthiness.

[FR Doc. 87–1914 Filed 1–30–87; 8:45 am]

BILLING CODE 4910–13–M

Direction Instrument, Non-Magnetic (Gyroscopically Stabilized)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of availability of technical standard order (TSO) and request for comments.

SUMMARY: The proposed TSO–C5e prescribes the minimum performance standards that direction instrument, non-magnetic (gyroscopically stabilized) must meet to be identified with the marking "TSO–C5e."

DATE: Comments must identify the TSO file number and be received on or before May 8, 1987.

ADDRESS: Send all comments on the proposed technical standard order to:

Technical Analysis Branch, AWS–120, Aircraft Engineering Division, Office of Airworthiness—File No. TSO–C5e, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591

Or deliver comments to:

Federal Aviation Administration, Room 335, 800 Independence Avenue, SW., Washington, DC 20591

FOR FURTHER INFORMATION CONTACT: Ms. Bobbie J. Smith, Technical Analysis Branch, AWS–120, Aircraft Engineering Division, Office of Airworthiness, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, Telephone (202) 267–9546.

Comments received on the proposed technical standard order may be examined, before and after the comment closing date, in Room 335, FAA Headquarters Building (FOB–10A), 800 Independence Avenue, SW., Washington, DC 20591, weekdays except Federal holidays, between 8:30 a.m. and 4:30 p.m.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to comment on the proposed TSO listed in this notice by submitting such written data, views, or arguments as they desire to the above specified address. All communications received on or before the closing date for comments specified above will be considered by the Director of Airworthiness before issuing the final TSO.

Background

Proposed TSO–C5e will include revised Marking and Data Requirements for non-magnetic (gyroscopically stabilized) direction instruments. Also, the proposed TSO incorporates Radio Technical Commission for Aeronautics (RTCA) Document Nos. DO–160B, "Environmental Conditions and Test Procedures for Airborne Equipment," dated July 1984, for the environmental standards, and DO–178A, "Software Consideration in Airborne Systems and Equipment Certification," dated March 1985, for the computer software requirements.

How To Obtain Copies

A copy of the proposed TSO–C5e may be obtained by contacting the person under "For Further Information Contact." TSO–C5e references SAE AS 8021, dated March 16, 1981, for the minimum performance standards, RTCA/DO–160B for the environmental standard, and RTCA/DO–178A for the computer software requirements. SAE AS 8021 may be purchased from the Society of Automotive Engineers, Inc., 400 Commonwealth Drive, Warrendale, PA 15096. RTCA/DO–160B and DO–178A may be purchased from the Radio Technical Commission for Aeronautics Secretariat, One McPherson Square, Suite 500, 1425 K Street, NW., Washington, DC 20005.

Issued in Washington, DC, on January 22, 1987.

Thomas E. McSweeny,

Manager, Aircraft Engineering Division, Office of Airworthiness.

[FR Doc. 87–1913 Filed 1–30–87; 8:45 am]

BILLING CODE 4910–13–M

Direction Instrument, Magnetic, Non-Stabilized Type (Magnetic Compass)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of availability of technical standard order (TSO) and request for comments.

SUMMARY: The proposed TSO–C7d prescribes the minimum performance standards that direction instrument, magnetic, non-stabilized type (magnetic compass) must meet to be identified with the marking "TSO–C7d."

DATE: Comments must identify the TSO file number and be received on or before May 4, 1987.

ADDRESS: Send all comments on the proposed technical standard order to:

Technical Analysis Branch, AWS–120, Aircraft Engineering Division, Office of Airworthiness—File No. TSO–C7d, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591

Or deliver comments to:

Federal Aviation Administration, Room 335, 800 Independence Avenue, SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: Ms. Bobbie J. Smith, Technical Analysis Branch, AWS–120, Aircraft Engineering Division, Office of Airworthiness

Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, Telephone (202) 267–9546.

Comments received on the proposed technical standard order may be examined, before and after the comment closing date, in Room 335, FAA Headquarters Building (FOB–10A), 800 Independence Avenue, SW., Washington, DC 20591, weekdays except Federal holidays, between 8:30 a.m. and 4:30 p.m.

SUPPLEMENTARY INFORMATION:

Comments Invited

Intersted persons are invited to comment on the proposed TSO listed in this notice by submitting such written data, views, or arguments as they desire to the above specified address. All communications received on or before the closing date for comments specified above will be considered by the Director of Airworthiness before issuing the final TSO.

Background

Proposed TSO–C7d will include revised Marking and Data Requirements for magnetic, non-stabilized type direction instruments (magnetic compass). Also, the proposed TSO incorporates Radio Technical Commission for Aeronautics (RTCA) Document No. DO–178, "Software Consideration in Airborne Systems and Equipment Certification," dated March 1985, for the computer software requirements.

How To Obtain Copies

A copy of the proposed TSO–C7d may be obtained by contacting the person under "**FOR FURTHER INFORMATION CONTACT.**" TSO–C7d references SAE AS 398A, reaffirmed October 1984, for the minimum performance standards, and RTCA/DO–178A for the computer software requirements. SAE AS 398A may be purchased from the Society of Automotive Engineers, Inc., 400 Commonwealth Drive, Warrendale, PA 15096. RTCA/DO–178A may be purchased from the Radio Technical Commission for Aeronautics Secretariat, One McPherson Square, Suite 500, 1425 K Street, NW., Washington, DC 20005.

Issued in Washington, DC.

Thomas E. McSweeny,

Manager, Aircraft Engineering Division, Office of Airworthiness.

[FR Doc. 87–1912 Filed 1–30–87; 8:45 am]

BILLING CODE 4910–13–M

Sunshine Act Meetings

Federal Register
Vol. 52, No. 21
Monday, February 2, 1987

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10:00 a.m., Wednesday, February 4, 1987.

LOCATION: Room 456, Westwood Towers, 5401 Westbard Avenue, Bethesda, Md.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED: *Fire Toxicity Report/National Research Council Briefing*

The staff and some members of the National Research Council (NRC) of the National Academy of Science will brief the Commission on the NRC report: Fire & Smoke, Understanding the Hazards.

FOR A RECORDED MESSAGE CONTAINING THE LATEST AGENDA INFORMATION, CALL: 301–492–5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207 301–492–6800.

Sheldon D. Butts,

Deputy Secretary.

January 28, 1987.

[FR Doc. 87–2017 Filed 1–29–87; 9:05 am]

BILLING CODE 6355–01–M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DATE AND TIME: 2:00 p.m. (eastern time) Monday, February 9, 1987.

PLACE: Clarence M. Mitchell, Jr., Conference Room No. 200–C on the 2nd Floor of the Columbia Plaza Office Building, 2401 "E" Street NW., Washington, DC 20507.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

Open

1. Announcement of Notation Vote(s)
2. A Report on Commission Operations (Optional)
3. Proposed Compliance Manual, Section 630, Volume II, Unions

Closed

Litigation Authorization; General Counsel Recommendations
Discussion of Commissioner's Charge

Note.—Any matter not discussed or concluded may be carried over to a later meeting. (In addition to publishing notices on EEOC Commission meetings in the **Federal Register**, the Commission also provides a recorded announcement a full week in advance on future Commission sessions. Please telephone (202) 634–6748 at all times for information on these meetings.)

CONTACT PERSON FOR MORE INFORMATION: Cynthia C. Matthews, Executive Officer at (202) 634–6748.

Dated: January 28, 1987.

Cynthia C. Matthews,

Executive Officer, Executive Secretariat.

This Notice Issued January 28, 1987.

[FR Doc. 87–2013 Filed 1–28–87; 4:36 pm]

BILLING CODE 6750–06–M

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

January 28, 1987.

TIME AND DATE: 10: a.m., Thursday, February 5, 1987.

PLACE: Room 600, 1730 K Street, NW., Washington, DC.

STATUS: Part open, part closed (pursuant ot 5 U.S.C. 552b(c)(10)).

MATTERS TO BE CONSIDERED:

In Open meeting, the Commissioners will consider and act upon the following:

1. *Dillard Smith v. Reco, Inc.*, Docket No. VA 86–9–D. (Issues include consideration of the operator's motion to vacate the Commission's direction for review.)

In Closed meeting, the Commissioners consider and act upon the following:

2. *Emerald Mines Corporation v. Secretary of Labor*, Docket No. PENN 85–298–R. (Issues include consideration of requirements for taking enforcement action under section 104(d) of the Mine Act. 30 U.S.C. 814(d).

Any person attending the open portion of this meeting who requires special accessibility features, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 20 CFR 2706.150(a)(3) and 2706.160(e).

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen (202) 653–5629.

Jean H. Ellen,

Agenda Clerk.

[FR Doc. 87–2090 Filed 1–29–87; 2:08 pm]

BILLING CODE 6735–0–M

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

January 28, 1987.

TIME AND DATE: 10:00 a.m., Thursday, January 22, 1987.

PLACE: Room 600, 1730 K Street, NW., Washington, DC.

STATUS: Closed IPursuant to 5 U.S.C. 552b(c)(10)).

MATTERS TO BE CONSIDERED:

In addition to the previously announced items, the Commission also considered the following item:

3. *Secretary of Labor on behalf of Yale Hennessee v. Alamo Cement Co.*, Docket No. CENT 86–151–DM. Issues included the operator's request to review the judge's denial of its motion to modify an order of temporary reinstatement.

It was determined by a unanimous vote of Commissioners that this item be included and no earlier announcement of the addition was possible.

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen (202) 653–5629.

Jean H. Ellen,

Agenda Clerk.

[FR Doc. 87–2089 Filed 1–29–87; 2:08 pm]

BILLING CODE 6735–01–M

SECURITIES AND EXCHANGE COMMISSION

Agency Meetings

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of February 9, 1987:

Opens meetings will be held on Monday, February 2, 1987, at 10:00 a.m. and on Thursday, February 5, 1987, at 10:00 a.m., in Room 1C30. A closed meeting will be held on Tuesday, February 3, 1987, at 2:30 p.m.

The Commissioners, Counsel to the Commissioners, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions, set forth in 5 U.S.C. 552b(c) (4), (8) (9)(A) and (10) and 17 CFR 200.402(a) (4), (8), (9)(i) and (10), permit consideration of the scheduled matters at a closed meeting.

Commissioners Cox, as duty officer, voted to consider the items listed for the closed meeting in closed session.

The subject matter of the open meeting scheduled for Monday, February 2, 1987, at 10:00 a.m., will be:

Consideration of whether to grant the MBS Clearing Corporation ("MBSCC") registration as a clearing agency under section 17A of the

Act and Rule 17Ab2-1(c). MBSCC will perform clearing agency services for mortgage-backed securities, particularly securities issued by the Government National Mortgage Association. For further information, please contact Joe McDonald at (202) 272-2422.

The subject matter of the closed meeting scheduled for Tuesday, February 3, 1987, at 2:30 p.m., will be:

Regulatory matter regarding financial institution.

Settlement of administrative proceeding of an enforcement nature.

Institution of injunctive action.

The subject matter of the open meeting scheduled for Thursday, February 5, 1987, at 10:00 a.m., will be:

1. Consideration of whether to: (1) Prepropose for public comment Form N-7 and relative rules and rule amendments under the Investment Company Act of 1940 and the Securities Act of 1933 that would be used for the registration of unit investment trusts. The Commission is also republishing staff guidelines relating to Form N-7; and (2) propose for comment Rule 24f-3 under the Investment Company Act of 1940 to permit the sale of unit investment trust securities in the secondary market without the imposition of an additional fee under the Securities Act of 1933 if certain conditions are met. For further information, please contact Jay Gould at (202) 272-2107.

2. Consideration of whether to publish for comment proposed amendments to Regulation S-X that would require accountants' reports included in Commission filings to be signed by an independent accountant who within the last three years has undergone a peer review of its accounting and auditing practice. For further information, please contact John Heyman at (202) 272-2130.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Bernard Black at (202) 272-2468.

Jonathan G. Katz,

Secretary.

January 27, 1987.

[FR Doc. 87-2012 Filed 1-28-87; 4:36 p.m.]

BILLING CODE 8010-01-M

federal register

Monday
February 2, 1987

Part II

Federal Home Loan Bank Board

12 CFR Part 563

Bank Secrecy Act Compliance Procedures; Technical Correction; Notice of OMB Control Number

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 563

[No. 87-113]

Bank Secrecy Act Compliance Procedures; Technical Correction

January 29, 1987.

AGENCY: Federal Home Loan Bank Board.

ACTION: Notice of OMB Control number.

SUMMARY: The Federal Home Loan Bank Board ("Board") is amending the final regulation providing for Bank Secrecy Act compliance which was published at page 2858 in the January 27, 1987, **Federal Register** by inserting the Office of Management and Budget Control number which was inadvertently omitted.

EFFECTIVE DATE: February 2, 1987.

FOR FURTHER INFORMATION CONTACT: John Downing, Attorney, Office of Enforcement, (202) 653-2604, C. Dawn Causey, Attorney, Office of Enforcement, (202) 653-2640, Federal Home Loan Bank Board, 1700 G Street NW., Washington, DC 20552.

List of Subjects in 12 CFR Part 563

Bank deposit insurance, Investments, Reporting and recordkeeping requirements, Savings and loan associations.

The Federal Home Loan Bank Board hereby amends Part 563, Subchapter D, Chapter V, Title 12, Code of Federal Regulations, as set forth below.

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 563—OPERATIONS

1. The authority citation for Part 563 continues to read as follows:

Authority: Sec. 1, 47, Stat. 725, as amended (12 U.S.C. 1421 *et seq.*); sec. 5A, 47 Stat. 727, as added by sec. 1, 64 Stat. 256, as amended (12 U.S.C. 1425a); sec. 5B, 47 Stat. 727, as added by sec. 4, 80 Stat. 824, as amended (12 U.S.C. 1425b); sec. 17, 47 Stat. 736, as amended (12 U.S.C. 1437); sec. 2, 48 Stat. 128, as amended (12 U.S.C. 1462); sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464); secs. 401-407, 48 Stat. 1255-1260, as amended (12 U.S.C. 1724-1730); sec. 408, 82 Stat. 5, as amended (12 U.S.C. 1730a); Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-1948 Comp., p. 1071.

2. The Office of Management and Budget Control number on page 2859, center column, second line from the top, is corrected to read "3068-0530".

3. Section 563.17-7 is amended by adding a parenthetical phrase to the end of the section to read as follows:

§ 563.17-7 Procedures for monitoring Bank Secrecy Act compliance.

* * * * *

(Approved by the Office of Management and Budget under Control number 3068-0530)

By the Federal Home Loan Bank Board.

Nadine Y. Washington,

Acting Secretary.

[FR Doc. 87-2172 Filed 1-3-87; 12:16 pm]

BILLING CODE 6720-01-M

Reader Aids

Federal Register

Vol. 52, No. 21

Monday, February 2, 1987

INFORMATION AND ASSISTANCE

SUBSCRIPTIONS AND ORDERS

Subscriptions (public)	202-783-3238
Problems with subscriptions	275-3054
Subscriptions (Federal agencies)	523-5240
Single copies, back copies of FR	783-3238
Magnetic tapes of FR, CFR volumes	275-1184
Public laws (Slip laws)	275-3030

PUBLICATIONS AND SERVICES

Daily Federal Register

General information, index, and finding aids	523-5227
Public inspection desk	523-5215
Corrections	523-5237
Document drafting information	523-5237
Legal staff	523-4534
Machine readable documents, specifications	523-3408

Code of Federal Regulations

General information, index, and finding aids	523-5227
Printing schedules and pricing information	523-3419

Laws	523-5230

Presidential Documents

Executive orders and proclamations	523-5230
Public Papers of the President	523-5230
Weekly Compilation of Presidential Documents	523-5230

United States Government Manual	523-5230

Other Services

Library	523-5240
Privacy Act Compilation	523-4534
TDD for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, FEBRUARY

3101-3208.....2

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

CFR CHECKLIST

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, prices, and revision dates.

An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

New units issued during the week are announced on the back cover of the daily **Federal Register** as they become available.

A checklist of current CFR volumes comprising a complete CFR set, also appears in the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

The annual rate for subscription to all revised volumes is $595.00 domestic, $148.75 additional for foreign mailing.

Order from Superintendent of Documents, Government Printing Office, Washington, DC 20402. Charge orders (VISA, MasterCard, CHOICE, or GPO Deposit Account) may be telephoned to the GPO order desk at **(202) 783-3238** from 8:00 a.m. to 4:00 p.m. eastern time, Monday—Friday (except holidays).

Title	Price	Revision Date
1, 2 (2 Reserved)	$5.50	Jan. 1, 1986
3 (1985 Compilation and Parts 100 and 101)	14.00	[1] Jan. 1, 1986
4	11.00	Jan. 1, 1986
5 Parts:		
1-1199	18.00	Jan. 1, 1986
1200-End, 6 (6 Reserved)	6.50	Jan. 1, 1986
7 Parts:		
0-45	24.00	Jan. 1, 1986
46-51	16.00	Jan. 1, 1986
52	18.00	Jan. 1, 1986
53-209	14.00	Jan. 1, 1986
210-299	21.00	Jan. 1, 1986
300-399	11.00	Jan. 1, 1986
400-699	19.00	Jan. 1, 1986
700-899	17.00	Jan. 1, 1986
900-999	20.00	Jan. 1, 1986
1000-1059	12.00	Jan. 1, 1986
1060-1119	9.50	Jan. 1, 1986
1120-1199	8.50	Jan. 1, 1986
1200-1499	13.00	Jan. 1, 1986
1500-1899	7.00	Jan. 1, 1986
1900-1944	23.00	Jan. 1, 1986
1945-End	23.00	Jan. 1, 1986
8	7.00	Jan. 1, 1986
9 Parts:		
1-199	14.00	Jan. 1, 1986
200-End	14.00	Jan. 1, 1986
10 Parts:		
0-199	22.00	Jan. 1, 1986
200-399	13.00	Jan. 1, 1986
400-499	14.00	Jan. 1, 1986
500-End	23.00	Jan. 1, 1986
11	7.00	Jan. 1, 1986
12 Parts:		
1-199	8.50	Jan. 1, 1986
200-299	22.00	Jan. 1, 1986
300-499	13.00	Jan. 1, 1986
500-End	26.00	Jan. 1, 1986
13	19.00	Jan. 1, 1986
14 Parts:		
1-59	20.00	Jan. 1, 1986
60-139	19.00	Jan. 1, 1986
140-199	7.50	Jan. 1, 1986
200-1199	14.00	Jan. 1, 1986
1200-End	8.00	Jan. 1, 1986
15 Parts:		
0-299	7.00	Jan. 1, 1986
300-399	20.00	Jan. 1, 1986
400-End	15.00	Jan. 1, 1986

Title	Price	Revision Date
16 Parts:		
0-149	9.00	Jan. 1, 1986
150-999	10.00	Jan. 1, 1986
1000-End	18.00	Jan. 1, 1986
17 Parts:		
1-239	26.00	Apr. 1, 1986
240-End	19.00	Apr. 1, 1986
18 Parts:		
1-149	15.00	Apr. 1, 1986
150-399	25.00	Apr. 1, 1986
400-End	6.50	Apr. 1, 1986
19	29.00	Apr. 1, 1986
20 Parts:		
1-399	10.00	Apr. 1, 1986
400-499	22.00	Apr. 1, 1986
500-End	23.00	Apr. 1, 1986
21 Parts:		
1-99	12.00	Apr. 1, 1986
100-169	14.00	Apr. 1, 1986
170-199	16.00	Apr. 1, 1986
200-299	6.00	Apr. 1, 1986
300-499	25.00	Apr. 1, 1986
500-599	21.00	Apr. 1, 1986
600-799	7.50	Apr. 1, 1986
800-1299	13.00	Apr. 1, 1986
1300-End	6.50	Apr. 1, 1986
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700-1699	17.00	Apr. 1, 1986
1700-End	12.00	Apr. 1, 1986
25	24.00	Apr. 1, 1986
26 Parts:		
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§§ 1.170-1.300	16.00	Apr. 1, 1986
§§ 1.301-1.400	13.00	Apr. 1, 1986
§§ 1.401-1.500	20.00	Apr. 1, 1986
§§ 1.501-1.640	15.00	Apr. 1, 1986
§§ 1.641-1.850	16.00	Apr. 1, 1986
§§ 1.851-1.1200	29.00	Apr. 1, 1986
§§ 1.1201-End	29.00	Apr. 1, 1986
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40-299	25.00	Apr. 1, 1986
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600-End	4.75	Apr. 1, 1986
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29 Parts:		
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200-699	8.50	July 1, 1986
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Title	Price	Revision Date
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140–155	8.50	[7] Oct. 1, 1985
156–165	14.00	Oct. 1, 1986
166–199	13.00	Oct. 1, 1986
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500–End	9.50	Oct. 1, 1986
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[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] No amendments to this volume were promulgated during the period Apr. 1, 1980 to March 31, 1986. The CFR volume issued as of Apr. 1, 1980, should be retained.

[3] No amendments to this volume were promulgated during the period July 1, 1984 to June 30, 1986. The CFR volume issued as of July 1, 1984, should be retained.

[4] No amendments to this volume were promulgated during the period July 1, 1985 to June 30, 1986. The CFR volume issued as of July 1, 1985 should be retained.

[5] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[6] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

[7] No amendments to this volume were promulgated during the period Oct. 1, 1985 to Sept. 30, 1986. The CFR volume issued as of Oct. 1, 1985 should be retained.

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February 6	February 23	March 9	March 23	April 7	May 7
February 9	February 24	March 11	March 26	April 10	May 11
February 10	February 25	March 12	March 27	April 13	May 11
February 11	February 26	March 13	March 30	April 13	May 12
February 12	February 27	March 16	March 30	April 13	May 13
February 13	March 2	March 16	March 30	April 14	May 14
February 17	March 4	March 19	April 3	April 20	May 18
February 18	March 5	March 20	April 6	April 20	May 19
February 19	March 6	March 23	April 6	April 20	May 20
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February 23	March 10	March 25	April 9	April 24	May 26
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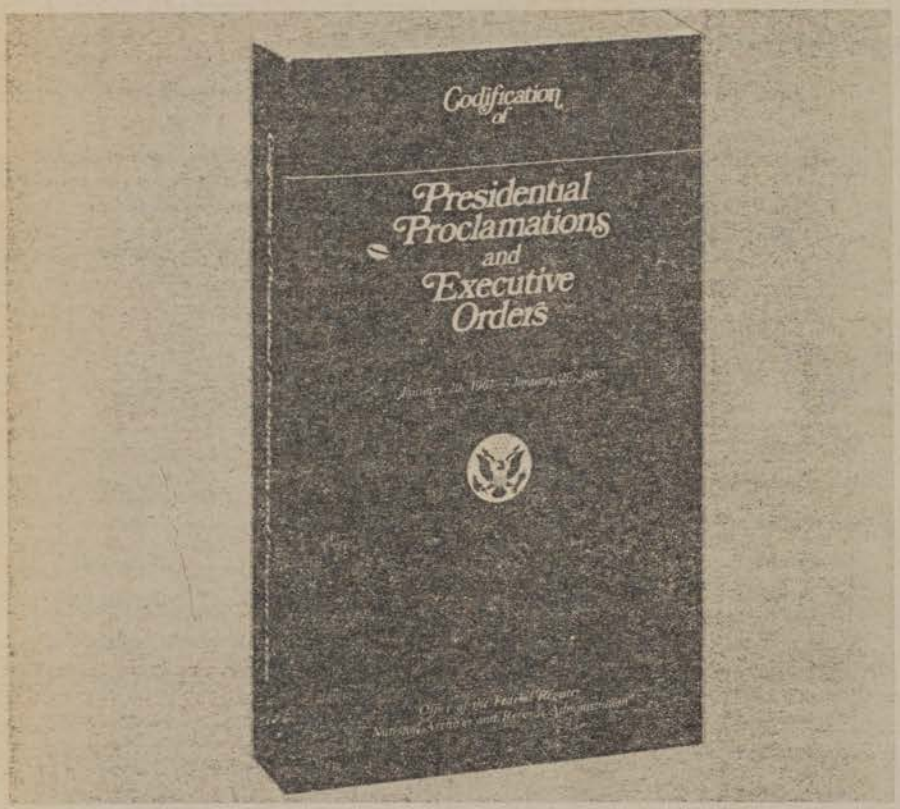

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